

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**TERA A. McMILLAN**  
**Plaintiff**

**v.**

**ALABAMA DEPARTMENT OF**  
**YOUTH SERVICES, et al.,**  
**Defendants**

)  
)  
)  
) **Civil Action No: 2:07-cv-00001-WKW**  
)

) **(JURY DEMAND)**  
)  
)

**BRIEF IN OPPOSITION TO DEFENDANT ALABAMA DEPARTMENT OF**  
**YOUTH SERVICES' MOTION FOR SUMMARY JUDGMENT**

January 3, 2008

**JIMMY JACOBS (JAC051)**  
Attorney for Plaintiff  
4137 Carmichael Rd, Ste 100  
Montgomery, Alabama 36106  
(334) 215-1788

## Table of Contents

	Page
I. Response To Defendant's Statement Of Facts .....	1
A. Introduction .....	1
B. Defendant's Statement of Undisputed Facts .....	2
C. Additional Undisputed Facts Relevant To This Motion .....	14
II. Summary Judgment Standard .....	18
III. Argument And Citations Of Authority .....	20
A. The defendant is judicially estopped from arguing that McMillan was not the victim of sexual harassment and retaliation by Hardy. ....	20
B. Hardy utilized his position as a supervisor at DYS to sexually harass and create a hostile environment for McMillan in violation of 42 U.S.C. 1983, the Equal Protection clause, and 42 U.S.C. 2000e. ....	22
1. Hardy sexually harassed McMillan and created a hostile work environment..	22
2. Hardy retaliated against McMillan after she complained about harassment. ..	24
3. McMillan suffered a tangible employment action as a consequence of her refusal to submit to Hardy's demands for sexual favors. ....	25
4. McMillan suffered tangible employment actions as a consequence of her complaint of sexual harassment and hostile environment against Hardy. ....	26
C. DYS, or its agents, has subjected McMillan to retaliation for making her complaints of sexual harassment and retaliation. ....	27
D. The <i>Faragher/ Ellerth</i> affirmative defense is not available to the defendant. ...	28
E. The defendant misstates the facts and the law in its claim that McMillan's hostile work environment action is barred by the Statute of Limitations. ....	31
IV. CONCLUSION .....	32

## TABLE OF AUTHORITIES

## Cases

<i>Adickes v. S. H. Kress &amp; Co.</i> , 398 U.S. 144 (1970).....	19
<i>American Nat'l Bank of Jacksonville v. Federal Dep. Ins. Corp.</i> , 710 F.2d 1528, 1536 (11th Cir.1983).....	21
<i>Bohen v. City of East Chicago</i> , 799 F.2d 1180, 1187 (7th Cir.1986).....	23
<i>Burlington Indus., Inc. v. Ellerth</i> , 524 U.S. 742 (1998).....	28
<i>Burnes v. Pemco Aeroplex, Inc.</i> , 291 F.3d 1282 (11th Cir., 2002).....	21
<i>Clark v. Coats &amp; Clark</i> , 929 F.2d. 604, 608 (11th Cir. 1991) {citing <i>Celotex Corp. v. Catrett</i> , 477 U.S. 317 (1986) }.....	19
<i>Cross v. State of Ala., State Dept. of Mental Health &amp; Mental Retardation</i> , 49 F.3d 1490 (11 <sup>th</sup> Cir. 1995).....	23
<i>Cross v. State of Ala., State Dept. of Mental Health &amp; Mental Retardation</i> , 49 F.3d 1490, 1504 (11th Cir. 1995) (citing <i>Henson v. City of Dundee</i> , 682 F. 2d 987 (11 <sup>th</sup> Cir. 1982)).....	23
<i>Davis v. Passman</i> , 442 U.S. 228, 235 (1979) .....	23
<i>Faragher v. City of Boca Raton</i> , 524 U.S. 575 (1998) .....	28, 30
<i>Frederick v. Sprint</i> , 246 F.3d 1305, 1314 (11th Cir. 2001) .....	30
<i>Hairston v. Gainesville Sun Pub. Co.</i> , 9 F.3d 913, 921 (11th Cir. 1993) (quoting <i>Texas Dept. of Community Affairs v. Burdine</i> , 450 U.S. 248, 256 (1981)).....	19, 20
<i>Harris v. Forklift Systems, Inc.</i> , 510 U.S. 17, 114 S.Ct. 367 (1993) .....	24
<i>Hinson v. Clinch County</i> , 231 F.3d.821 (11th Cir. 2000).....	20
<i>Id.</i> .....	20, 32
<i>Id.</i> , p. 121 .....	23
<i>Johnson v. Booker T. Washington Broadcasting Serv., Inc.</i> , 234 F.3d 501, 508 (11th Cir.2000).....	29

<i>Meeks v. Computer Assoc. Int'l</i> , 15 F.3d 1013 ( 11th Cir. 1994).....	27
<i>National Railroad Passenger Corp. v. Morgan</i> , 536 U.S. 101, 122 S.Ct. 2061 (2002) ...	32
<i>New Hampshire v. Maine</i> , 532 U.S. 742, 750, 121 S.Ct. 1808, 1815 (2001).....	21
<i>Olmsted v. Taco Bell Corp.</i> , 141 F.3d 1457, 1460 (11th Cir.1998).....	27
<i>Reeves v. Sanderson Plumbing Prods., Inc.</i> , 530 U.S. 133, 120 S.Ct. 2097, 2110 (2000)20	
<i>Robinson v. Shell Oil Co.</i> , 519 U.S. 337, 346, 117 S.Ct. 843, 848, 136 L.Ed.2d 808 (1997).....	25
<i>Salomon Smith Barney, Inc. v. Harvey, M.D.</i> , 260 F.3d 1302, 1308 (11th Cir.2001).....	21
<i>Shields v. Fort James Corp.</i> , 305 F.3d 1280, 1281-82 (11th Cir.2002) .....	32
<i>Suders v. Pennsylvania State Police</i> , 124 S. Ct. 2342, 2354 (2004) .....	30
<i>Warren v. Crawford</i> , 927 F.2d 559, 56 1-2 (11th Cir. 1991).....	19
<i>Whiting v. Jackson State University</i> , 616 F.2d 116, 122 (5th Cir.1980) .....	23
<b>Statutes</b>	
42 U.S.C. Sec. 2000e (b) (1981).....	26
42 U.S.C. Sec. 2000e-2(a) (1) (1981) .....	26
<b>Rules</b>	
<i>Fed.R. Civ.P.</i> 50 .....	20



were ignored in the instant motion. Defendant asks the Court to weigh evidence and make credibility determinations. Plainly disputed facts are presented as undisputed. In some instances, statements for which Defendant has no evidence at all are presented as undisputed facts and inferences are drawn in favor of the moving party.

B. The Defendant's Statement Of Undisputed Facts.<sup>1</sup>

1. Tera McMillan was first employed at DYS as a Youth Services Aid on October 21, 2002.

RESPONSE: The plaintiff does not dispute this statement.

2. Ms. McMillan works at the Mt. Meigs campus, which is the most secure facility in the DYS system and is staffed with older, more ungovernable male juvenile delinquents.

RESPONSE: Admitted by the plaintiff as to the fact that she works at Mt. Meigs, The remaining statements are not supported by any evidence in the record; are not relevant or material; and are due to be stricken in accordance with Section 2 of the Court's Rule 16 Scheduling Order (Doc. 15) and paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

3. She currently works in the Intensive Treatment Unit dormitory on Mt. Meigs campus.

RESPONSE: The plaintiff does not dispute this statement.

4. DYS maintains an anti-discrimination policy that prohibits sexual harassment.

---

<sup>1</sup> The defendant does not separately state those facts it holds are undisputed and, in fact, includes conclusory allegations with no evidentiary foundation in its statement of "facts". The plaintiff disaggregates the defendant's narrative here, and responds to each allegation separately. The plaintiff additionally provides the Court with her statement of additional undisputed facts not presented by the defendant on its motion.

RESPONSE: Admitted that DYS has such a written policy, but the plaintiff disputes that the defendant has produced or established any evidence that the written policy is implemented with adequate training or is effective.

5. Ms. McMillan does not dispute that she was at all times relevant to this case aware of the policy and the reporting procedures.

RESPONSE: The plaintiff disputes that any admissible evidence has been presented that she was aware of the policy and reporting procedures "at all times relevant to this case".

6. The Policy and Procedure book is available to each employee in the workplace and the Plaintiff concedes that she took turns with her co-workers going through it.

RESPONSE: Admitted that a Policy and Procedure book is available in each work unit and that employees may consult it.

7. In addition, all new DYS employees are given 40 hours in service training before they are assigned to the dorms.

RESPONSE: The plaintiff disputes that there is any evidence in this case to support this statement by the defendant, and it is due to be stricken in accordance with Section 2 of the Court's Rule 16 Scheduling Order (Doc. 15) and paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

8. Included within that training is the DYS anti-harassment policy and procedures.

RESPONSE: The plaintiff disputes that there is any evidence in this case to support this statement by the defendant, and it is due to be stricken in accordance with

Section 2 of the Court's Rule 16 Scheduling Order (Doc. 15) and paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

9. Ms. McMillan does not specifically recall that her in service training covered anti-harassment but she does not deny that it did.

RESPONSE: The plaintiff disputes that there is any evidence in this case to support this statement by the defendant and it is due to be stricken in accordance with Section 2 of the Court's Rule 16 Scheduling Order (Doc. 15) and paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26) The plaintiff disputes that any training that may have been provided was effective if she can not recall it having been provided during the years she has been employed by the defendant.

10. She does, however, specifically recall receiving training regarding the DYS anti-harassment policy after her first six months of employment.

RESPONSE: The plaintiff disputes that there is any admissible evidence in this case to support this statement by the defendant and it is due to be stricken in accordance with Section 2 of the Court's Rule 16 Scheduling Order (Doc. 15) and paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

11. It is not in dispute that at all times relevant the alleged harassment, Ms. McMillan was aware of the policy and aware of the reporting procedures as a result of the Defendant's dissemination of and training regarding the policy.

RESPONSE: The plaintiff disputes that there is any admissible evidence in this case to support this statement by the defendant and it is due to be stricken in accordance with Section 2 of the Court's Rule 16 Scheduling Order (Doc. 15) and paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26) The plaintiff disputes that the



assertion by DYS in footnote 1 that her participation in a prior race discrimination suit involving a former employer has any relevance to her knowledge of this defendant's policies and reporting procedures.

12. Ms. McMillan claims that she was subjected to a sexually hostile work environment by her supervisor, Michael Hardy, for two years, beginning in May 2003 through July 2005.

RESPONSE: The plaintiff does not dispute this statement.

13. Ms. McMillan does not allege that she was discharged, and has no evidence of a demotion or reassignment to an undesirable reassignment.

RESPONSE: Admitted that the plaintiff does not allege she has been discharged or demoted. She disputes that her reassignment is not undesirable, due the continued harassment and retaliation she faces.

14. Mr. Hardy constantly gave Ms. McMillan average or above average evaluations and she has received all the privileges of employment to which she is entitled.

RESPONSE: The plaintiff admits that her evaluations were average or above average, but disputes that defendant Hardy was responsible for all of these evaluations. The plaintiff specifically disputes that she has received all of the privileges of employment to which she is entitled; e.g., a workplace free of gender-based discrimination or retaliatory conduct.

15. The Plaintiff has no evidence that she suffered any significant change in her employment status.

RESPONSE: The plaintiff disputes this unsupported conclusory statement by the

defendant, and states further that it is due to be stricken in accordance with Section 2 of the Court's Rule 16 Scheduling Order (Doc. 15) and paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

16. Ms. McMillan claims that she eventually decided to get away from Mr. Hardy by seeking reassignment to a different dorm.

RESPONSE: Admitted by the plaintiff that she had sought a move to another dorm from Hardy and that he refused her permission to do so. The plaintiff further admits that she told Hardy she needed a transfer so that she could work a second job, even though she did not have a second job at the time; and, that she went over Hardy's head seeking approval after Hardy threatened her and told her that it would take her at least two years to get a transfer away from his supervision. (PX 1: Declaration of McMillan, ¶ 11)

17. She claims that on or about June 25, 2005, she went to see Hardy's supervisor, Ms. Phyllis Rankins, about the transfer.

RESPONSE: The plaintiff disputes this statement and states that the undisputed evidence in this case is that she spoke with Ms. Rankins and Ms. Spann on June 15, 2005. (PX 2: Spann Meeting Notes/ ITU Time & Attendance Report; 6/15/05)

18. Ms. McMillan concedes that she did not intend to report any alleged harassment pursuant to the anti-harassment policy, but simply saw Ms. Rankins because she sought a reassignment to a different dorm.

RESPONSE: The plaintiff admits that she did not intend to report Hardy's sexual harassment due to his intimidation of her and due to DYS acquiescence in the sexually charged environment at the Mt. Meigs campus. (PX 1: Declaration ¶ 12 )

19. However, Ms. McMillan claims Ms. Rankins pressed her for the reason for requesting a dorm reassignment and Ms. McMillan told Ms. Rankins that she was being sexually harassed by Mr. Hardy.

RESPONSE: The plaintiff disputes this statement on the grounds that no evidence is presented by the defendant to support it and it is due to be stricken in accordance with paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26) The plaintiff states that she finally told Ms. Rankins of the harassment she was enduring when Rankins would not grant her request to move to another dorm. The plaintiff's emotional distress overcame her fear of Hardy and her suspicion of DYS's willingness to address the issue. (PX 1: Declaration ¶ 12)

20. Ms. Rankins, as required by DYS policy and procedure, instantly required Ms. McMillan to speak with DYS Personnel Director, Debra Spann.

RESPONSE: The plaintiff admits that Ms. Rankins sent her to talk to Ms. Spann about the hostile work environment and sexual harassment she endured under Mr. Hardy, but disputes that the defendant has offered any evidence to support its allegations about DYS policy and procedure.

21. Ms. McMillan only then went to Personnel, as required by the DYS anti-harassment policy and procedure, and made a report of the alleged sexual harassment.

RESPONSE: The plaintiff admits that this was her first report regarding the hostile work environment and sexual harassment she endured under Mr. Hardy, and states that she had been fearful of the consequences of reporting due to the unwillingness of DYS to enforce its policy on sexual harassment. (PX 1: Declaration ¶ 6)

22. Upon hearing the allegations of sexual harassment, Ms. Spann took Ms.

McMillan's statement and initiated an investigation pursuant to DYS policy.

RESPONSE: The plaintiff does not dispute that Ms. Spann conducted an investigation into Hardy's harassment of her.

23. In addition, while Ms. McMillan was in Ms. Spann's office making her first report of sexual harassment, Ms. Rankins called Ms. McMillan on the phone and accommodated Ms. McMillan's request for reassignment to a different dorm on the campus.

RESPONSE: The plaintiff admits that Ms. Rankins called and instructed her to report to work at another dorm later that day.

24. Over the telephone, Ms. Rankins instructed Ms. McMillan to temporarily report to Trustee Hall. Ms. McMillan was soon thereafter permanently reassigned to the ITU dorm pursuant to her request.<sup>4</sup> (Exhibit 1: Hardy transcript P. 144).

RESPONSE: The plaintiff admits that she was told to report to the Intensive Treatment Unit dorm and was assigned to the Trustee dorm for one day. The plaintiff disputes the statement that she specifically requested to be reassigned to the ITU dorm. (PX 1: Declaration ¶ 12)

25. Ms. McMillan never again came under the supervision of Mr. Hardy, (Exhibit 1: Hardy transcript P. 99), and seldom came in contact with him thereafter.

RESPONSE: The plaintiff does not dispute this statement.

26. It is noteworthy that, assuming Ms. McMillan had not schemed to sue DYS before she made the report of alleged sexual harassment, within two weeks of reporting the alleged harassment Ms. McMillan clearly had a change of heart, because by July 12, 2005, approximately two weeks later, Ms. McMillan had hired a lawyer in

Birmingham and filed an EEOC Charge of Discrimination against DYS. (PX3: EEOC Charge of Discrimination).

RESPONSE: The plaintiff admits that she filed a charge of discrimination, as required by Title VII, with the EEOC on July 12, 2005. She disputes the additional allegations of this statement on the grounds that the defendant has not produced any evidence which would support such conclusory allegations, and they are due to be stricken in accordance with paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

27. Between January 2005, and June 25, 2005—the date Ms. Rankins granted her request for reassignment to ITU—Ms. McMillan concedes that she rarely saw Mr. Hardy.

RESPONSE: The plaintiff disputes this statement on the grounds that the defendant has not produced any evidence which provides a foundation for it.. The plaintiff states further that she was assigned to the ITU dorm on June 15, 2005. (PX 1: Declaration ¶ 12)

28. In fact she claims to have only had one allegedly sexually harassing encounter with him during that time period.

RESPONSE: The plaintiff disputes this statement on the grounds that the defendant has not produced any evidence to provide a foundation for it and it is due to be stricken in accordance with paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26) The plaintiff states further that Hardy's conduct was constant throughout this time period. (PX 1: Declaration ¶ 10)

29. She claims that in April 2005, Mr. Hardy asked her to go to a hotel with

her.

RESPONSE: The plaintiff admits that Hardy asked her to go to a hotel with him for sex in April of 2005, and that he was very angry with her when she refused his request. (PX 1: Declaration ¶ 10)

30. The next day she claims that Mr. Hardy told her she was “losing her foundation”, which Ms. McMillan somehow perceived as sexually harassing.

RESPONSE: The plaintiff admits Hardy angrily told her on the day following her refusal to go to a hotel with him for sex that she was losing her “foundation” at DYS and that she clearly understood this to be another threat by Hardy due to her refusal to submit to his unwelcome sexual advances. (PX 1: Declaration ¶ 10)

31. The statute of limitations (180 days before the EEOC COD was filed) was January 13, 2005.

RESPONSE: The plaintiff admits that January 13, 2005 is 180 days before July 12, 2005, but disputes that this limits her sexual harassment or hostile environment claim against these defendants.

32. Soon after Ms. McMillan’s report to Ms. Spann and soon after the investigation began, several events transpired that resulted in DYS Executive Director Walter Wood taking action to prohibit any appearance of retaliation by DYS.

RESPONSE: The plaintiff disputes this statement on the grounds that the defendant has not produced any evidence to provide a foundation for it and it is due to be stricken in accordance with paragraph 8 of this Court’s Order dated November 26, 2007. (Doc. 26)

33. The first event was a memo, or series of memos, by Mr. Hardy’s staff

expressing their support for Mr. Hardy and their opposition to anyone who accused Mr. Hardy of inappropriate conduct.

RESPONSE: The plaintiff disputes this statement on the grounds that the defendant has not produced any evidence to provide a foundation for it and it is due to be stricken in accordance with paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

34. The second event was a planned meeting with Ms. McMillan about her transfer to a different dorm.

RESPONSE: The plaintiff disputes this statement on the grounds that the defendant has not produced any evidence to provide a foundation for it and it is due to be stricken in accordance with paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

35. The third was a so-called "grievance" Mr. Hardy filed against Ms. McMillan. Hardy filed the so-called grievance memo with Ms. Spann, which was not the proper grievance procedure.

RESPONSE: The plaintiff disputes this statement on the grounds that the defendant has not produced or referenced any evidence in the record to provide a foundation for it, and it is due to be stricken in accordance with paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

36. In response to these events, the Defendant—through Executive Director Walter Wood, Jr.—prevented any meetings from taking place with Ms. McMillan, stopped the so-called grievance cold, and arranged immediately for State Personnel to come to DYS and conduct a special supplemental training seminar on anti-retaliation. An

Assistant Attorney General conducted the training for all DYS employees.

RESPONSE: The plaintiff disputes this statement on the grounds that the defendant has not produced any evidence to provide a foundation for it and it is due to be stricken in accordance with paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

37. After the investigation, Ms. Spann concluded that some of Ms. McMillan's allegations were founded.

RESPONSE: The plaintiff admits that Ms. Spann concluded that Hardy had created a hostile work environment on account of her sex, and that he had engaged in retaliation against her after she made her complaint about his misconduct. (PX 4: Spann Memo to Wood, 7/19/05)

38. A follow up investigation was conducted based on Mr. Hardy's alleged defenses, and a fact finding hearing was held at which Mr. Hardy had an opportunity to present his side of the story.

RESPONSE: The plaintiff admits that hearing was held by the DYS assistant administrator which found that Hardy was guilty of sexual harassment and retaliation against the plaintiff. (PX 5: Calendar Memo to Wood, 12/8/05)

39. A recommendation was then made to Executive Director Wood that Mr. Hardy's employment be terminated.

RESPONSE: The plaintiff admits that Mr. Wood received findings of fact that Hardy had violated several policies including sexual harassment of the plaintiff and misconduct related to his retaliation against her; and, that Mr. Wood terminated Hardy's employment as of January 6, 2006. (PX 6: Wood letter to Hardy, 1/6/06)

40. A part of the basis for termination was Mr. Hardy's conduct during the



investigation that DYS perceived as attempted retaliation.

RESPONSE: See the plaintiff's response to number 38 above.

41. DYS successfully prevented Mr. Hardy from retaliating against Ms. McMillan, yet Ms. McMillan now sues DYS for alleged retaliation.

RESPONSE: The plaintiff disputes this statement on the grounds that the defendant has not produced any evidence to provide a foundation for it and it is due to be stricken in accordance with paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

42. Since Mr. Hardy's discharge, Ms. McMillan has complained about retaliation on several occasions and on each occasion she has been interviewed and her allegations were investigated.

RESPONSE: The plaintiff admits that she has complained of retaliation but disputes the remaining allegations on the grounds that the defendant has not produced any evidence to provide a foundation for it and it is due to be stricken in accordance with paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

43. She has suffered no adverse employment actions and there has been no retaliation—and certainly none by DYS.

RESPONSE: The plaintiff disputes this unsupported conclusory allegation by the defendant and states that has been subjected to adverse employment acts and a hostile work environment on account of her sex and to retaliation on account of her complaints about her sexual harassment. Specifically, she has also been denied off-days for which she has not been compensated; had been isolated and refused training by her supervisor and co-workers; had a discriminatory disciplinary warning placed in her file without

notice and included on her evaluation; suffered a lowered evaluation; and, has been placed under surveillance by her co-workers at the instruction of her supervisor. (PX 1: Declaration ¶¶ 12, 13, 15)

44. Ms. McMillan does not actually complain about retaliatory action by DYS but rather complains that her co-employees retaliated against her on behalf of Mr. Hardy—even though DYS previously terminated Mr. Hardy's employment.

RESPONSE: The plaintiff disputes this statement on the grounds that the defendant has not produced any evidence to provide a foundation for it and it is due to be stricken in accordance with paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26) Her complaint in this action specifically includes a count of retaliation against DYS. (Doc. 1: ¶¶ 12, 19)

45. DYS has taken every conceivable action to protect Ms. McMillan and prevent any retaliation.

RESPONSE: The plaintiff disputes this statement on the grounds that the defendant has not produced any evidence to provide a foundation for it and it is due to be stricken in accordance with paragraph 8 of this Court's Order dated November 26, 2007. (Doc. 26)

C. Additional Undisputed Facts Relevant To This Motion.

46. McMillan was subjected to inappropriate sexual remarks by Hardy and to requests from him for a sexual relationship while assigned under his supervision at DYS. The work environment at the Mt. Meigs campus was permeated with sexual commentary, innuendo and misconduct. (PX 1: Declaration ¶¶ 2, 3, 4, 5, 6)

47. When McMillan resisted Hardy's advances, he attempted to overcome her

resistance by bragging about his sexual prowess and by informing her of his power on the campus and his skill in overcoming other complaints of sex discrimination. (PX 1: Declaration ¶ 6) McMillan initially thought that Hardy would leave her alone once she made it clear that she did not want to have a relationship with him, but, despite her continued refusal to have a relationship with him, Hardy engaged in inappropriate conduct on every occasion that he could be alone with her during the entire time that she was under his supervision at Paige Hall. (PX 1: Declaration ¶¶ 2, 3, 4, 5, 7, 10)

48. McMillan was persistently propositioned for sex and sexual favors by her immediate supervisor, Michael J. Hardy. Hardy has requested that she perform *fellatio* on him, and offered her money and other material things if she would perform oral sex on him. Hardy frequently bragged to McMillan about his sexual prowess with other female workers at the defendant's Mount Meigs campus. For example, Hardy has stated to McMillan he can not "f-k all night like he used to" and that he could "only f-k real hard for 5 or 6 minutes" at this stage of his life. On another occasion, Hardy grabbed both her breasts while she was on duty at DYS. All of this behavior was uninvited, unwelcome, emotionally and physically intimidating, and McMillan asked Hardy to stop harassing her but he would not. Hardy also stated to McMillan that he loved big "titties" and made frequent requests to suck McMillan's breasts. Hardy also spoke regularly of his abilities with regard to oral sex and asked to perform oral sex on McMillan. McMillan always refused Hardy's overtures and requested that he leave her alone. (PX 1: Declaration ¶ 2, 3, 4, 5, 7, 10)

49. In the winter and spring of 2005, Hardy began asking McMillan to go to hotels with him for sex and offered to buy her a car, tires and other goods in exchange for

her compliance. She did not give in to these requests and in the middle of April, Hardy informed her that another employee was “disrespecting” her and that he would defend her if she would go to a hotel with him to discuss it over drinks. McMillan told Hardy that there was no way that she was going to a hotel with him and he became very angry with her. He confronted her at work the next day and told her that she had “lost her foundation” at DYS. McMillan understood this threat to be another effort by Hardy to intimidate her into compliance with his demands. Hardy refused McMillan’s efforts to move to another work assignment in order to get away from his supervision and continued to treat her in hostile manner until McMillan reported him on June 15, 2005. (PX 1: Declaration ¶ 10)

50. After McMillan reported Hardy she was transferred to another dorm at the Mount Meigs facility, she was required to work eight or more days consecutively with no time off due to this move. (PX 1: Declaration ¶ 12) She was even required to work two shifts on the day that she was initially reassigned by Rankins. (PX 7: Daily Time & Attendance Reports, 6/11-19/05)

51. Since arriving at the new dorm, she has been ostracized by personnel who refused to help her learn the new procedures. (PX 3: EEOC charge, 7/12/05) She has also been singled out by her supervisor for heightened scrutiny and surveillance by co-employees. Between November 2005 and September 2007, the unit manger or staff wrote 27 memos concerning McMillan. Most document a conversation or incident that involved McMillan. (PX 8: Memos/Reports at ITU re: McMillan) In January and February 2006 alone, immediately following McMillan’s filing of the retaliation charge, nine memos were written on her. (PX 9: Memos). In November 2006, McMillan’s unit

manager wrote her up for not attending a training session which she was never notified about. (PX 1: Declaration ¶ 15)

52. Between April 2006 and February 2007, McMillan's supervisor wrote six memos about her being tardy to work. (PX 10: 3 Memos re: Tardy) On February 12, 2007, he placed a disciplinary warning in her file for being late three times. (PX 11: Disciplinary Warning) Numerous other employees were late for work or left work early more than three times in the March-April 2006 time period alone, but only McMillan was written up. (PX 12: Table of ITU Employee Sign In/Out Times, March-April 2006 with supporting Time & Attendance Reports) (PX 1: Declaration ¶ 15, 16)

53. Prior to filing her EEOC charges in July and December of 2005, the ratings on McMillan's two preceding appraisals (2003 and 2004 ) and subsequent appraisal (2006) were in the "Exceeds Standards" category. The rating she received on the performance appraisal covering 2005 was in the 'Meets Standards' range and contained three unsatisfactory marks (attendance, punctuality and cooperation with coworkers). PX 13: Evaluations, 2003-2006)

54. McMillan believed that reporting Hardy's harassment would result in her losing her job or in some other form of retaliation. She formed this belief from Hardy's comments on his power and influence with the "clique" on the campus; his story of how he had stifled a prior complaint of sex discrimination; and, from the numerous unaddressed instances of improper sexual relationships between staff members, and between staff members and students on the Mt. Meigs campus of DYS. (PX 1: Declaration ¶ 6)

55. DYS negligently permitted Hardy to supervise female subordinates

including McMillan, even assigning responsibilities to him for conducting sexual harassment training, with the knowledge that he had previously been accused of sexual harassment. (PX 14: Hardy Memo; PX 4: Spann Memo to Wood, 7/19/05)

56. Personnel manager Debra Spann acknowledged to Director Wood that the department's implementation of its sexual harassment policy was ineffective, and that she was securing outside assistance to train DYS staff on the policy. (PX 4: Spann memo to Wood, 7/19/05) Director Wood also sought assistance from the Alabama Attorney General's Office for additional training for DYS staff on retaliation prevention training following the discriminatory actions against McMillan. (PX 15: ALJ Hearing Transcript: p. 400:l-23)

57. DYS lodged charges against Hardy for his sexual harassment and retaliation against McMillan. He was found guilty of these acts, and his employment was terminated effective at the close of business January 6, 2006. (PX 4: Spann memo to Wood; PX 5: Calendar report to Wood; PX 6: termination letter to Hardy)

58. Hardy exercised his right to appeal DYS's decision to the Alabama State Personnel Board which appointed an administrative law judge to take testimony and receive evidence on the issues in his termination. (PX 16: ALJ Report, p. 6, ¶ 3) DYS Director Wood testified specifically:

I concurred with that

7 decision and primarily for the two reasons  
8 that you just enumerated. One was that we  
9 had, in the view of our personnel director, a  
10 substantiated sexual abuse issue. But even

11 more important was this emerging problem with  
 12 what I believe was an attempt to intimidate  
 13 this lady and in some way retaliate for this  
 14 complaint being filed. That emerged as, even  
 15 to me, an almost even more serious issue than  
 16 the initial complaint. So based on those two  
 17 issues, I concurred that the employment  
 18 should be terminated, and this is the letter  
 19 that does that. (PX 15: Hearing Transcript, p. 407)

The charges against Hardy by DYS were upheld by the judge following two days of testimony and post-trial briefing by the parties. (PX 16: ALJ Report, pp. 29-31)

## **II. Summary Judgment Standard**

In order to prevail on a motion for summary judgment under Rule 56(b) of the *Federal Rules of Civil Procedure*, the moving party bears the burden of showing by reference to materials on file that there is no genuine issue as to material facts and that the movant is entitled to judgment as a matter of law. *Adickes v. S. H. Kress & Co.*, 398 U.S. 144 (1970). When that burden is met, the nonmoving party must respond with a showing that there is indeed a material issue of fact that precludes summary judgment. *Clark v. Coats & Clark*, 929 F.2d. 604, 608 (11th Cir. 1991) {citing *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986)}. As the plaintiff has shown above, the defendant has proffered numerous “facts” for which it fails to provide any reference to materials on file.

Courts are to review all admissible evidence and all reasonable factual inferences drawn from them in the light most favorable to the party opposing the motion. *Warren v. Crawford*, 927 F.2d 559, 56 1-2 (11th Cir. 1991). Issues of fact and the sufficiency of

evidence are properly reserved for the jury. The only issue to be considered by the judge at summary judgment is whether the plaintiff's evidence has placed material facts at issue. Accordingly,

[T]he grant of summary judgment, though appropriate when evidence of discriminatory intent is totally lacking, is generally unsuitable in Title VII cases in which the Plaintiff has established a prima facie case because of the "elusive factual question" of intentional discrimination. *Hairston v. Gainesville Sun Pub. Co.*, 9 F.3d 913, 921 (11th Cir. 1993) (emphasis added) (quoting *Texas Dept. of Community Affairs v. Burdine*, 450 U.S. 248, 256 (1981)).

In reaching this conclusion, the *Hairston* court relied upon a major pronouncement from the U.S. Supreme Court on the importance of a plaintiff's right to cross examine the non-discriminatory reason the defendant articulates to rebut the plaintiff's prima facie case. *Hairston*, 9 F.3d 913, 919 (citing *St. Mary's Honor Center v. Hicks*, 113 S. Ct. 2742 (1993)). The "full and fair" opportunity for cross examination is not present via summary judgment. The court must "avoid weighing conflicting evidence or making credibility determinations." *Id.*

The Supreme Court has reiterated and strengthened these standards by holding that court "must draw all reasonable inferences in favor of the nonmoving party, and it may not make credibility determinations or weigh the evidence." *Reeves v. Sanderson Plumbing Prods., Inc.*, 530 U.S. 133, 120 S.Ct. 2097, 2110 (2000) (discussing standard for granting judgment as a matter of law under *Fed.R. Civ.P.* 50, which is the "same" as the standard for granting summary judgment under Rule 56). "[T]he court should give credence to the 'evidence favoring the nonmovant as well as that evidence supporting the moving party that is uncontradicted and unimpeached, at least to the extent that that evidence comes from disinterested witnesses.'" *Id.* (citations omitted). In other words,



courts must consider the entire record, but “disregard all evidence favorable to the moving party that the jury is not required to believe.” *Id.* at 2102. The Eleventh Circuit completely endorses and adopts the *Reeves* standards. *Hinson v. Clinch County*, 231 F.3d 821 (11th Cir. 2000).

### III. Argument And Citations Of Authority

#### A. The defendant is judicially estopped from arguing that McMillan was not the victim of sexual harassment and retaliation by Hardy.

Under the doctrine of judicial *estoppel*, a party is precluded from “asserting a claim in a legal proceeding that is inconsistent with a claim taken by that party in a previous proceeding.” The purpose of the doctrine “is to protect the integrity of the judicial process by prohibiting parties from deliberately changing positions according to the exigencies of the moment.” *New Hampshire v. Maine*, 532 U.S. 742, 750, 121 S.Ct. 1808, 1815 (2001). This circuit has applied the doctrine to “...the calculated assertion of divergent sworn positions. The doctrine is designed to prevent parties from making a mockery of justice by inconsistent pleadings.” *American Nat’l Bank of Jacksonville v. Federal Dep. Ins. Corp.*, 710 F.2d 1528, 1536 (11th Cir.1983) (internal citation omitted); *see also, Burnes v. Pemco Aeroplex, Inc.*, 291 F.3d 1282 (11th Cir., 2002); *Salomon Smith Barney, Inc. v. Harvey, M.D.*, 260 F.3d 1302, 1308 (11th Cir.2001).

The defendant argues in brief to this Court that McMillan can not establish a *prima facie* case of sexual harassment and hostile work environment, or retaliation, by defendant Hardy under Title VII. (Brief at pp. 8:¶ 3 – 15:¶ 1) McMillan has provided ample evidence above that DYS, by and through its executive director Walter Wood and other sworn witnesses including herself, took exactly the opposite position on Hardy’s sexual harassment and retaliation in the earlier judicial review of its decision to terminate

Hardy on those very grounds: Wood wrote to Hardy on November 4, 2005 that he was being investigated for violating DYS's sex harassment policy. (PX 17: Wood letter to Hardy, 11/4/05; ¶ 2) Wood notified Hardy that he had been found guilty at a November 15, 2005 administrative hearing of sexual harassment and violating DYS policy by acting to retaliate against McMillan, and that his employment was being terminated on those grounds effective January 6, 2005. (PX 6: Wood letter, 1/6/06) When Hardy appealed these findings and Woods' decision to the state personnel board, DYS entered a pleading entitled "Statement of the Facts" which set forth its grounds for terminating Hardy as:

"The employee was dismissed effective the close of business, January 6, 2006, as a result of his disruptive conduct; use of abusive or threatening language; serious violation of any other department rule and **violation of Department Policy 3.13.2 – prohibition of sexual harassment**. Specifically, he was **alleged to have made sexual advances and/or to have created a hostile working environment for a subordinate employee, who filed a harassment complaint against him** and the Department concluded that the allegation was founded. In response to the harassment complaint the Employee alleged to have attempted, among other things, to cause an investigation against the subordinate for her having filed a complaint against him.

(PX 18: Statement of Facts) (*emphasis added*)

DYS presented witnesses, including Woods and McMillan, who testified under oath that Hardy had sexually harassed McMillan while employed as her supervisor and that he had taken retaliatory action against her after she complained about his conduct. (PX 15: Hearing Transcript, pp. 406:17 – 408:11) As a result of this testimony, the state personnel board upheld DYS's termination of employment on the grounds that he was guilty of sexual harassment and that he had violated the department's anti-retaliation policy. (PX 16: ALJ Report, p. 29-31) Both DYS and the review judge were correct in their conclusions, as shown in Section B below. For DYS to use McMillan's testimony to prove its case below, but to deny that she was the victim of sex harassment and

retaliation before this Court, is inherently unjust.

Courts typically invoke judicial *estoppel* when a party: (1) takes a present position that is "clearly inconsistent" with its earlier sworn position; (2) successfully persuaded the prior tribunal to accept their earlier position, so that judicial acceptance of the inconsistent position in a later proceeding creates the perception that either court was misled; and (3) advancing the inconsistent position would derive an unfair advantage on the opposing party. *New Hampshire*, 532 U.S. at 750-51. Each of those criteria is present here, and DYS is judicially barred from arguing that Hardy did not sexually harass McMillan or that he did not take retaliatory action against her.

B. Hardy utilized his position as a supervisor at DYS to sexually harass and create a hostile environment for McMillan, and retaliated against her in violation of 42 U.S.C. 1983, the Equal Protection clause, and 42 U.S.C. 2000e.

1. Hardy sexually harassed McMillan and created a hostile work environment.

The elements of a sexual harassment and hostile environment claim were set forth in *Cross v. State of Ala., State Dept. of Mental Health & Mental Retardation*, 49 F.3d 1490, 1504 (11<sup>th</sup> Cir. 1995), (citing *Henson v. City of Dundee*, 682 F. 2d 987 (11<sup>th</sup> Cir. 1982)). In order to establish that Section 1983 is violated, McMillan merely needs to show that Hardy was utilizing his position as her supervisor to act under the color of state law when he engaged in his discriminatory, harassing, and retaliatory conduct. McMillan has a constitutional right to be free from unlawful sex discrimination and sexual harassment in public employment. *Davis v. Passman*, 442 U.S. 228, 235 (1979). In order to establish a violation of the Equal Protection Clause, she only has to prove discriminatory motive or

purpose. *Whiting v. Jackson State University*, 616 F.2d 116, 122 (5th Cir.1980<sup>2</sup>) (cited in *Cross v. State of Ala., State Dept. of Mental Health & Mental Retardation*, 49 F.3d 1490 (11<sup>th</sup> Cir. 1995)). This intent is inferred from the evidence in the same manner as under Section 703 of Title VII. *Id.*, p. 121, but the employee does not have to show that an adverse employment action occurred to prove her equal protection claim. *Bohen v. City of East Chicago*, 799 F.2d 1180, 1187 (7th Cir.1986).

In order to establish sexual harassment and or a hostile work environment under Title VII (See *Cross*, p. 1504)) McMillan must show:

(a) she belongs to a protected group -- in this case, it is undisputed that McMillan is a woman;

(b) she was subject to unwelcome sexual harassment.-- The defendant cites 16 specific instances of harassing conduct (Dft. Brief at pp. 8-9). McMillan presents evidence of these instances conceded by DYS, plus others, and testifies that Hardy's harassment of her was constant, unwelcome, uninvited, unrelenting, emotionally and physically intimidating. (PX 1: Declaration ¶ 2, 3, 4, 5, 6, 7, 8, 10, 11) ;

(c) the harassment she complains of was based upon gender – Hardy's conduct (e.g., references to McMillan's "titties" and grabbing her breasts; asking to receive and give oral sex, asking her to go to a hotel with him; offering to perform chores in exchange for a key to her home) are clearly based upon her gender; and,

(d) the harassment complained of affected the conditions of the complainant's employment. It is undisputed that McMillan began to seek counseling due to Hardy's

---

<sup>2</sup> Decisions of the Fifth Circuit handed down prior to the close of business on September 30, 1981, are binding in the Eleventh Circuit. *Bonner v. City of Prichard*, 661 F.2d 1206, 1207 (11th Cir.1981) (*en banc*).

harassment, and that she continues in counseling to this day. (PX 1: Declaration ¶ 11, 14)

The U, S, Supreme Court held in *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 114 S.Ct. 367 (1993), that a discriminatorily abusive work environment, even one that does not seriously affect employees' psychological well being, offends Title VII by the very fact that the discriminatory conduct is so severe or pervasive that it creates a work environment abusive to employees because of their gender.<sup>3</sup> Such an environment can and often will result in tangible adverse effects such as to detract from employees' job performance, discourage employees from remaining on the job, or keep them from advancing in their careers. McMillan has produced substantial evidence from which the jury will infer from the totality of the circumstance that she was subjected to offensive, unwelcome conduct by Hardy that was both so severe and so pervasive that no woman should be required to endure it in her workplace. (PX 1: Declaration ¶¶ 2-14)

2. Hardy retaliated against McMillan after she complained about his harassment.

There is no dispute that Hardy engaged in retaliatory conduct against McMillan after she made her complaint against him. DYS director Walter Wood concluded as much and cited that conduct as "even more important" than Hardy's actual sexual harassment of McMillan in his decision to terminate Hardy's employment. (PX 22: Wood testimony re Hardy) The administrative law judge upheld Hardy's termination because, for other reasons, DYS proved that he undertook actions to cause McMillan to be investigated; sought to force her into a meeting with him; and, solicited other

---

<sup>3</sup> In assessing whether harassment is objectively severe and pervasive, courts employ a totality of the circumstances approach, instead of requiring proof of each factor individually. *Miller v. Kenworth of Dothan, Inc.*, 277 F.3d 1269, 1276 (11th Cir.2002).

employees to speak against her after she made her complaint against him. (PX 19: Exhibits to Hardy termination hearing) The purposes of the anti-retaliation provisions of Title VII are to prevent such effort to chill the motivation of employees to complain about discrimination in their employment. *Robinson v. Shell Oil Co.*, 519 U.S. 337, 346, 117 S.Ct. 843, 848, 136 L.Ed.2d 808 (1997) (*purpose of an anti-retaliation provision is to maintain unfettered access to statutory remedial mechanisms*). There is substantial evidence from which the jury will find that Hardy retaliated against McMillan due to her complaint against him.

3. McMillan suffered a tangible employment action as a consequence of her refusal to submit to Hardy's demands for sexual favors.

Title VII of the Civil Rights Act of 1964 makes it "an unlawful employment practice for an employer ... to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." 42 U.S.C. Sec. 2000e-2(a) (1) (1981). The Act defines the term "employer"<sup>4</sup> as a "person engaged in an industry affecting commerce ... and any agent of such a person." 42 U.S.C. Sec. 2000e (b) (1981). Refusal to permit an employee, especially a victim of sexual harassment, to request a transfer is a tangible adverse employment action.

Without Hardy's approval, McMillan was unable to submit a transfer away from his supervision. Given the reasonable perception that DYS's response to sexual harassment complaints was ineffective, along with Hardy's campaign of intimidation to

---

<sup>4</sup> Congress amended Title VII to make its provisions applicable to state and local governments. *Fitzpatrick v. Bitzer*, 427 U.S. 445, 449 n. 2, (1976); *Downing v. Board of Trustees of University of Ala.*, 321 F.3d 1017 (11th Cir., 2003).

convince her that any complaint against him would not be given credence, McMillan was trapped and a reasonable jury will infer that she suffered a tangible adverse employment action at the hands of Hardy.

4. McMillan suffered tangible employment actions as a consequence of her complaint of sexual harassment and hostile environment against Hardy.

While McMillan was having her initial meeting with the DYS personnel manager regarding Hardy's harassment on July 15, 2005, she received a call ordering her to report for work that evening at another dorm. This required her to work a double shift (16 hours) that day. McMillan had worked 5 days prior to this reassignment and was due to be off work for two days beginning June 16, 2005. DYS did not allow her to have her regular days off and did not compensate her for the denial of this condition and privilege of her employment. Additionally, DYS falsified the work and attendance records to show that she was at work in Paige Hall when she was, in fact, at work in the ITU dorm. (PX 7: work records; PX 1: Declaration ¶ 12) McMillan was not allowed to take her regular days off and did not receive a scheduled day off for more than a week after being reassigned to the ITU dorm. McMillan complained that she was wrongfully being required to work eight consecutive days at the time it occurred and also in her EEOC retaliation charge. (PX 20: EEOC Charge, 12/11/05) DYS failed to address her complaint and informed the EEOC that it was not true. (PX 21: Staton Report re: EEOC Charge, 3/31/06 )

In addition to the denial of regular days off which were granted to all other employees, McMillan was subjected to isolation and ostracized by her co-workers (PX 20: EEOC Charge, 12/11/05); unwarranted surveillance ordered by her supervisor (PX 8-10: Memos/Reports at ITU re: McMillan); wrongful disciplinary actions which were



placed in her personnel folder and placed on her evaluation (PX 11: Disciplinary Warning; PX 13: Evaluations); and, a false allegation of failure to attend training for which she had not received notice (PX 22: Letter of Warning, 12/6/05).

C. DYS, or its agents, has subjected McMillan to retaliation for making her complaints of sexual harassment and retaliation.

In order to establish her retaliation claims under Title VII, McMillan must present evidence that she opposed Hardy's sexual harassment and incurred an adverse employment action as a result. *Meeks v. Computer Assoc. Int'l*, 15 F.3d 1013 ( 11th Cir. 1994); *Olmsted v. Taco Bell Corp.*, 141 F.3d 1457, 1460 (11th Cir.1998) The causal link requirement has been interpreted broadly to require the plaintiff only to show that protected activity and the adverse employment action are not completely unrelated.

There is ample substantial evidence from which the jury will conclude that McMillan has suffered retaliation. Evidence of Hardy's actions against her is presented above. In addition, McMillan testifies that she was denied leave given to other employees and that she was ostracized and isolated by her supervisor and co-employees upon her transfer after reporting Hardy's harassment. (PX 1: Declaration ¶¶ 12-16; PX 24: eeoc charge) DYS denied to the EEOC that McMillan suffered any adverse employment actions following her sex harassment complaint, but there is undisputed evidence that her supervisor subjected her to surveillance by her co-workers which was not imposed on others. (Staton Report re: EEOC Charge, 3/31/06) There is undisputed evidence that she was written up for being late for work three times when other similarly situated employees with more than three tardies were not written up. (PX 11: Disciplinary; PX 12: Table) There is undisputed evidence that her performance evaluation rating was lowered after her discrimination and retaliation charges. (PX 13:



Evaluations) The investigator assigned to investigate her claims recognized the severity of the distress in her working conditions and recommended that she transfer to another location. (PX 1: Declaration ¶ 14)

D. The Faragher/Ellerth affirmative defense is not available to the defendant.

In *Burlington Indus., Inc. v. Ellerth*, 524 U.S. 742 (1998) and *Faragher v. City of Boca Raton*, 524 U.S. 575, the Supreme Court indicated that courts should no longer use the labels "quid pro quo " and "hostile environment" to analyze whether an employer should be held liable on an employee's Title VII claim concerning a supervisor's sex-based harassment. *Ellerth*, 524 U.S. at 753, 765; *Faragher*, 524 U.S. at 807 (applying new standard). Instead, when analyzing whether an employer should be held liable for a supervisor's harassment, courts should separate these cases into two groups: (1) harassment which culminates in a "tangible employment action, and (2) harassment in which no adverse "tangible employment action" is taken but which is sufficient to constructively alter an employee's working conditions. *Johnson v. Booker T. Washington Broadcasting Serv., Inc.*, 234 F.3d 501, 508 (11th Cir.2000). Under this analysis, when a supervisor engages in harassment which results in an adverse "tangible employment action" against the employee, the employer is automatically held vicariously liable for the harassment. *Ellerth*, 524 U.S. at 763; *Faragher*, 524 U.S. at 790. McMillan has shown above that she was subjected to tangible employment actions as a consequence of the harassment she complains of, and the affirmative defense is not available to the defendant.

When no tangible employment action is taken, strict liability will still apply, but a defending employer may raise an affirmative defense to liability or damages, subject to

proof by a preponderance of the evidence, that (1) the employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior, and (2) the plaintiff employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise. This defense has two prongs. The first concerns the behavior of the Defendant -- whether the Defendant had an effective policy and procedure for receiving and handling sexual harassment complaints. The second prong concerns the behavior of the Plaintiff -- whether they unreasonably failed to take advantage of the Defendants' preventive and corrective mechanisms or to otherwise avoid harm. Defendant bears the burden of proof on both prongs. If only one prong is proved, the defense fails.

The defendant has failed to point the Court or the plaintiff to any substantial proof in the record on the first prong. The defendant has produced only one page (Doc.29-4) that appears to be part of a written policy on sexual harassment, and has produced no evidence at all regarding the parameters, implementation, training, or effectiveness of the policy it claims to have in place. Even though an employer has policies and procedures on paper, it is the reality of implementation and enforcement that matters. In *Faragher* itself this failure was fatal to the employer's defense in that the policies were inadequately disseminated and the managerial employees were inadequately supervised to ensure enforcement. *Faragher*, 534 U.S. at 808; see also, *Frederick v. Sprint*, 246 F.3d 1305, 1314 (11th Cir. 2001). DYS's personnel manager admitted that its sexual harassment policy and procedures were ineffective in her statement of findings that there was evidence to support McMillan's charges against Hardy. (PX 4: span letter) Director Wood acknowledged the deficiency of its policies by soliciting assistance from the

Attorney General to train his staff following Hardy's retaliation against McMillan. (PX 15: ALJ Hearing Transcript: p. 400:1-23) There is even evidence in this case that the defendant had knowledge that Hardy had prior accusations of sex discrimination. (PX 14: note from Hardy's file) The plaintiff does not recall receiving any training on the policy, but also testified that she may have received training sometime after her initial employment. (Dft. Brief at p. 2 ¶ 1) The defendant has not met its burden on the first prong in this motion.

The defendant also fails to meet its burden of proof on the second prong of the defense, i.e., whether McMillan's failure to report Hardy's harassment until June of 2005 was "unreasonable", as well. Defendant argues only that McMillan did not report Hardy's harassment, but proffers no evidence as to the reasonableness or unreasonableness of that inaction. As the Supreme Court reminds us in *Suders v. Pennsylvania State Police*, 124 S. Ct. 2342, 2354 (2004), the burden of proof for establishing this defense lies squarely on the defendant. There are substantial disputed issues of fact for the jury, even if it concludes that McMillan did not suffer a tangible employment action, to find that DYS's policy was so ineffective that McMillan was not unreasonable in not relying upon their assistance in protecting her from her supervisor's harassment. Personnel manager Spann stated in her letter to Mr. Wood: "All staff should be re-trained on sexual harassment. It is apparent to me thinking has not changed in this department. We cannot condone telling staff to do one thing and doing something else ourselves (it is my understanding Mr. Hardy went over sexual harassment at every staff meeting). I have contacted Maxine Wheeler to do Sexual Harassment Training for our staff as it did not sink in with State Personnel doing it." (PX 4: Spann Memo to Wood, ¶

3) In addition to Hardy's campaign to convince her that he could thwart any complaint she made, she was aware that sexual misconduct was rampant on the Mt. Meigs campus and that the administration did little, if anything, to correct it. (PX 1: Declaration ¶ 6) When added to the ineffectiveness of the defendant's investigation into her complaint of retaliation and its reversal of position before this Court that Hardy did not harass her or retaliate against her, there are sufficient facts to dispute any claim of unreasonableness on McMillan's part.

E. The defendant misstates the facts and the law in its claim that McMillan's hostile work environment action is barred by the Statute of Limitations.

This defendant claims that McMillan's charge of discrimination to the EEOC falls outside the 180 day limitations of Title VII because the discrete act of sexual harassment it admits occurred in April 2005 can not support her hostile environment claim. The defendant does not cite any authority for this proposition, probably because there is none. The U. S. Supreme Court rejected the application of the continuing violation doctrine in hostile work environment cases in *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101, 122 S.Ct. 2061 (2002), and simplified the limitations inquiry in these cases. The Court instructed that a hostile work environment, although comprised of a series of separate acts, constitutes one "unlawful employment practice" and so long as one act contributing to the claim occurs within the filing period, "the entire time period of the hostile environment may be considered by a court for the purposes of determining liability." *Id.* at 2074. The jury can consider the totality of the evidence of Hardy's mistreatment of McMillan in deciding both her sex harassment charge and her hostile work environment charge, and the defendant's argument is simply incorrect. See *Shields v. Fort James Corp.*, 305 F.3d 1280, 1281-82 (11th Cir.2002).

#### IV. CONCLUSION

The plaintiff has shown that this defendant is estopped from arguing that its co-defendant did not sexually harass McMillan or create a hostile work environment. She has also demonstrated that there are substantial issues of fact for the jury to determine on her Section 1983, Title VII, and Equal Protection claims of discrimination and retaliation which were timely made. She has shown by reference to the facts and the law that she incurred tangible employment acts as a consequence of her protected activity. Alternatively, she has shown there are substantial facts from which a jury will find that the defendant's policy and procedures on sexual harassment were not effective in protecting her from discrimination in the workplace, and that her failure to report Hardy's actions were not "unreasonable" for an employee in her position.

Respectfully submitted this 3rd day of January 2008.

/S/ JIMMY JACOBS

JIMMY JACOBS (JAC051)  
Attorney for Plaintiff  
4137 Carmichael Rd, Ste 100  
Montgomery, Alabama 36106  
(334) 215-1788

#### CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using CM/ECF system and service will be perfected upon counsel of record following this the 3<sup>rd</sup> of January, 2008.

/s/Jimmy Jacobs

JIMMY JACOBS (JAC051)  
Attorney for Plaintiff

COUNSEL OF RECORD:

T. Dudley Perry, Jr.

Deputy Attorney General  
Post Office Box 66  
Mt. Meigs, AL 36057

James Eldon Wilson, Esquire  
Deputy Attorney General  
4265 Lomac Street  
Montgomery, AL 36106

**PLAINTIFF'S LIST OF EXHIBITS SUBMITTED IN OPPOSITION TO  
DEFENDANT ALABAMA DEPARTMENT OF YOUTH SERVICES  
MOTION FOR SUMMARY JUDGMENT**

**Exhibit**

- 1 Declaration of Tera McMillan
- 2 Spann Meeting Notes/ ITU Time & Attendance Report: 6/15/05
- 3 EEOC Charge of Discrimination, 7/12/05
- 4 Spann Memo to Wood, 7/19/05
- 5 Calendar Memo to Wood, 12/8/05
- 6 Wood letter to Hardy, 1/6/06
- 7 Daily Time & Attendance Report, 6/11-19/05
- 8 26 Memos/Reports at ITU re: McMillan
- 9 7 Memos re: McMillan, January-February 2006
- 10 6 Memos re: McMillan
- 11 Unsatisfactory Performance Appraisal re: Punctuality, 2/12/07
- 12 Table of ITU Employee Sign In/Out Times, March-April 2006 with supporting  
Time & Attendance Reports
- 13 Performance Evaluations, 2003-2006
- 14 Hardy Memo re: Sex Discrimination, 1/18/00
- 15 ALJ Hearing Transcript Excerpts
- 16 ALJ Order Excerpts
- 17 Wood letter to Hardy, 11/4/05
- 18 Statement of Facts for State Personnel Hearing
- 19 Hardy Retaliation Documents. 6/21/05; 7/14/05
- 20 EEOC Charge, 12/11/05
- 21 Staton Report re: EEOC Charge, 3/31/06
- 22 Letter of Warning, 12/6/05



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**TERA A. McMILLAN**  
**Plaintiff**

**v.**

**ALABAMA DEPARTMENT OF  
YOUTH SERVICES, et al.,**  
**Defendants**

**Civil Action No: 2:07-cv-00001-WKW**

**(JURY DEMAND)**

**DECLARATION OF TERA McMILLAN**

1. My name is Tera McMillan. I am of more than nineteen years of age, a resident of Montgomery, Alabama, and the plaintiff in this lawsuit. I make this declaration for use in my lawsuit against Michael J. Hardy and the Alabama Department of Youth Services (DYS). I was initially employed by DYS at its Mount Meigs campus in October 2002 and have performed my duties and responsibilities in a satisfactory manner since that time.

2. Beginning around May of 2003, I began to be subjected to unwelcome offensive sexual harassment and a hostile work environment by my supervisor, Michael Hardy. This conduct began shortly after we were transferred to work at the Paige Hall dormitory. Mr. Hardy began to tell me about his relationship with another female employee and to ask me questions about my personal life. He also asked me a lot of personal questions about a female co-worker that was my friend. This quickly became more direct and he would talk openly about his sexual preferences and activities. I let him know that I did not want to discuss this with him but he became more aggressive.



Mr. Hardy frequently told me that he “loved big titties” and asked me to let him suck my breasts. While I was sitting at my desk in the dorm on one occasion, he reached around me from behind and grabbed my breasts in his hands, stating that he wanted to “get a little feel” before another co-worker came into the office.

3. In addition to his direct sexual overtures to me, Hardy talked on a regular basis about his sexual prowess and relations with other female workers at the Mount Meigs campus. For example, Hardy has stated to me that he can not “f--k all night like he used to” and that he could “only f--k real hard for 5 or 6 minutes” at this time in his life. Mr. Hardy told me that there could be “benefits” on my job, like getting to arrive late and leave work early, if I was his friend. Because of the many instances of sexual relationships among employees and between students and employees at Mt. Meigs, I understood Mr. Hardy was seeking a sexual relationship and he confirmed this very quickly.

4. Mr. Hardy on one occasion requested that I “suck his d---k”. When I refused his “request”, he offered me money and other material objects if I would perform this act of oral sex on him. I was greatly offended by his conduct and told him that I was not interested. The next day he asked me if the reason I turned him down was because I had another boyfriend. I told him that I just wasn’t interested. Hardy also commented to me regularly of his abilities with regard to oral sex and asked me to let him perform oral sex on me. I always declined this invitation and requested that he leave me alone. He told me that he had been having another relationship with an employee but that he really wanted me. He also told me that he had been accused of sex discrimination before and that he had “handled” it. I have asked, through my attorney, for records and other

information that DYS has on complaints or instances of sex harassment involving Mr. Hardy, but none have been provided to me.

5. All of this behavior was uninvited and unwelcome and I asked Hardy to stop harassing me, but he would not. Hardy would call me at home on my off days to engage me in conversation. Since he was my boss, I would try to be polite but he would make me very uncomfortable by asking a lot of personal questions about my finances and my sex life. On one occasion he asked me how much my child support was, and offered to pay me \$200 dollars a month and take care of my car and cut my grass in exchange for a key to my house. He even asked one of my co-workers "What would it take to get Mac?", and was told that she didn't know.

6. Mr. Hardy also told me on several occasions that he was "in" with the clique that ran things at Mt. Meigs and that it would not do me any good to say anything about his actions. He told me that the DYS director, Mr. Woods, owed him because he had "stabbed off" a lawsuit that other staff members were planning to file against Mr. Woods. He told me that he could see Mr. Woods any time he wanted to. Mr. Hardy told me this on an occasion when he showed me a complaint that my co-employee Bernice Howard had filed against Mr. Dortch, another employee. He said that Ms. Howard's complaint was not very well written, and that he was going to let her "sweat" because he had ten days to respond to it. He told me that he knew how to take care of complaints of sexual harassment because he was good at writing things up, that he had successfully defeated a write-up he had been given by his supervisor, and that he would "take care of Ms. Howard". He also laughed about another employee, Lisa May, who had complained about harassment and said that she "didn't get anywhere". Later, I overheard Mr. Hardy,

Mr. Dortch, and Mr. Smith laughing about how they had “turned the tables” on Ms. May when she had complained about being sexually harassed by Dortch. I believed Mr. Hardy. I believed that he would turn all of DYS against me if I complained about the way he was treating me. I was greatly distressed by his continuing, offensive conduct but tried not to give him the satisfaction of showing a reaction. I really needed my job, and he made it clear that he could and would get me if created any problems for him. Even though DYS had a policy about sex harassment, it was rampant on the Mt. Meigs campus, and nothing was ever done about it. As examples, I knew of the instance involving Mr. Dortch and Lisa Mays above. I also knew that Mr. Dortch had been accused of harassment by another employee, [REDACTED] Mr. [REDACTED] was charged by employee T [REDACTED] T [REDACTED]. Another employee, N [REDACTED] G [REDACTED] was harassed by O [REDACTED] B [REDACTED]. Employee G [REDACTED] J [REDACTED] was harassed by fellow employee C [REDACTED] G [REDACTED]. Sexual conduct was pervasive on the campus, and the administration had to know all about it.

7. Hardy’s harassment continued on a regular basis. Right after Christmas in 2004 just as I returned home from shopping with a friend, Hardy called me on my cell phone and told me that he needed to talk to me and it was about something that was detrimental to my future at DYS. I told him that it was really not convenient but he insisted that he had to talk to me. He said that he would be there in a few minutes.

8. Hardy didn’t show up for a while so my friend and I had made drinks for ourselves, and began to wrap presents. Hardy arrived and complimented my house and asked to use the bathroom. He sat down and began to make small talk. Since my friend and I had drinks, I asked Mr. Hardy if he wanted a drink and I made him one. My friend

(this was the same co-worker that Hardy had asked "what it would take to get" me.) went into the next room to wrap gifts and began to talk about how "hot" he was. He lifted up his sweater, began to rub the nipples on his chest. This made me feel really uncomfortable. Apparently my friend had seen him because she came in the room asked me if she needed to leave. I told her "no" because Mr. Hardy was about to leave. She returned to the kitchen and Mr. Hardy asked me if I would lick his chest. I told him "hell, no." This was the first time that Hardy had actually directly imposed himself on me outside of work and it really frightened me. I was really glad that my friend was present when he came on that day. Mr. Hardy became very angry and told me that my relationships at work were going to change, beginning the next day. Beginning the very next day, some of my colleagues at work began to stay away from me.

9. Mr. Hardy has stated his reason for coming to my house on the day mentioned above was because he was bringing me my paycheck. This is totally false. I have my paycheck set up for direct deposit to my bank account from the state, and there is no way that he could have it in his possession to "bring to me". Mr. Hardy insisted on coming to my house, saying that he had to talk to me about something that could be detrimental to my future at DYS.

10. Shortly after this incident, a situation arose at work that someone was needed to move to the third shift (12:00 p.m. to 8:00 a.m.), and I agreed to make the change. I knew that this would mean that I would not have as much day to day contact with Hardy because he worked during the day, but he continued to call me and ask me to go out with him. During this period of time he offered to buy me a car, tires and other goods in exchange for my compliance. I did not go along with his request. Hardy's

harassment of me continued, and in April of 2005 he called me to tell that another employee was "disrespecting" me and that he needed to talk to me about it. He asked me to go to a hotel to have some drinks and to have sex. I refused and told him that I just wasn't interested. The next day at work, he approached me and angrily told me in a threatening manner, "I guess you know that you have lost your foundation around here now." I understood this to be another threat because I had refused him again.

11. I realized that I just had to try to get away from Hardy, but I really needed my job. I was suffering physical and emotional problems due to the stress this was placing on me. My doctor had placed me on medication and referred me to see a counselor for help with the distress I was suffering. After this last statement by Hardy that I had "lost my foundation around here", I requested that he allow me to transfer to another dorm. He refused me, so in the middle of May, I went back and told him that I had a second job and needed to make the change to another dorm because of the hours of my second job. This was not true. I didn't have another job, but I was desperate. I thought that if I could make him believe that my request didn't have anything to do with him, he would agree to it. Mr. Hardy refused me again, and told me that he wouldn't approve any change for me and that it would take me at least two years to get one without his approval. I had talked to another dorm supervisor who had vacancies about transferring, but he told me that I couldn't transfer unless Mr. Hardy gave his approval first. I was really devastated by this and decided that I would try to go over his head to try to get transferred.

12. I went to see someone in administration about moving on June 16, 2005 and met with Ms. Rankins, a specialist who was on duty. Most of the administrative

staff, including Mr. Hardy, had gone to Eufaula for a retreat or training at this time. I told Ms. Rankins that I wanted to make a change. She wouldn't agree to it and told me that there had to be some reason that I wanted to move from Paige Hall. I did not plan to say anything about Mr. Hardy's harassment of me because I was frightened of him and was convinced that it wouldn't do any good. When Ms. Rankins wouldn't agree to my moving, I finally told her the real reason, and she said she would have to move me and sent me to see the personnel manager, Ms. Debra Spann. While I was meeting with Ms. Spann, Ms. Rankins called and told me to report to another dorm that night. I had already worked one shift that day but was so beaten down, I just went ahead and reported to work at the new dorm that night. Except for one night that I was sent to the Trustee dorm, I have been assigned to the Intensive Treatment Unit dorm (ITU) since then. In addition to working a double shift, I was not allowed to have my regular days off during this time period and was made to work eight or more consecutive days. I have seen sign-in sheets from Paige Hall that show that I worked there on June 18 and 19, 2004, but this is not true. I was not there and did not sign in there, and I have not been compensated for the days that I was not allowed to be off.

13. Since reporting to work at the ITU dorm, I have been subject to retaliation in the form of personnel not willing to help me learn the new position and I have been ostracized by the other employees and supervisors. I have discovered that Mr. Hardy was contacting various DYS staff members during this time and trying to get them to make accusations against me and to support him. I didn't know this at the time, but it explains the cold and hostile treatment I received when I went to the ITU dorm. I filed an additional EEOC charge in December 2005 over this retaliatory treatment. I have since

learned of additional retaliatory actions against me.

14. DYS assigned Mr. Alan Staton to respond to my EEOC retaliation charge and he interviewed a number of employees, but told EEOC that there was not anything to my complaint. Nevertheless, Mr. Staton told me in February 2006 that he wanted me to transfer to the Autauga campus because he was afraid for my mental health and physical well-being. I was under a great deal of stress due to this treatment but did not feel that I should have to transfer when I hadn't done anything wrong. I was continuing to receive counseling and had been taking medication to cope with the stress for some time at this point.

15. Mr. Staton did not do a very thorough investigation or he would have discovered that my supervisor had placed me under surveillance by my fellow employees. He (my supervisor) also wrote me up for being tardy three times and placed this in my personnel file without informing me about it. There were a number of other ITU employees who were late to work more than three times that were not written up by the supervisor. My performance evaluation score was significantly decreased after I was transferred to the ITU dorm. My supervisor also wrote me up for not attending a training session that I was not informed of, and which he claimed took place on my day off.

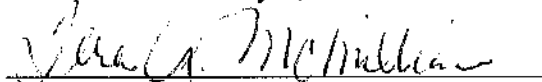
16. Mr. Hardy was correct when he told me that he could turn everyone at DYS against me if I complained about him. That is evident from the treatment I have received from my supervisor and co-workers at the ITU dormitory. It is also evident from the way the DYS administration and legal counsel have treated me since I complained. Since I filed my second EEOC charge the department has failed to adequately investigate any of the actions taken against me, and has deliberately tried to

undermine my ability to seek justice. DYS has continued this retaliation by now claiming in this lawsuit that Hardy did not create a hostile work environment by sexually harassing me and that he did not retaliate against me for complaining about it. The DYS legal office asked me to testify about Mr. Hardy's harassment of me in his administrative hearing in November 2005, and they fired him because he harassed me and retaliated against me. When Mr. Hardy appealed his termination to the state personnel board, DYS called me, DYS director Walter Wood, and other witnesses to testify under oath about Mr. Hardy's harassment and retaliation of me. I was the only female that he was accused of sexually harassing or retaliating against, and the personnel board upheld Mr. Woods's firing of him on those grounds.

17. I continue to suffer emotionally from these actions, and remain in therapy and on medication.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 3, 2008.

  
Tera McMillan



Tera McMillian

06/15/05

YSA - Paige Hall

- Ms. McMillian came to see me on 6/15/05 with her mother. She had come from seeing Ms. Rankins; Ms. Rankins had called me and said I needed to talk to her as she had some stuff to say I needed to hear. When she got here she shut the door and said she never meant to go into this; she said she had just gone to Ms. Rankins because Mr. Hardley was in Eufaula and Mr. Hardy was out. She said all she wanted was her shift changed; that was all she wanted – nothing else.
- Ms. McMillian said she has been sexually harassed for about two (2) years by Mr. Hardy. She said it began when Ms. Howard left and Mr. Hardy assigned her to do ACA. He told her one afternoon when the boys went to the Dining Hall to stay behind. They were the only ones there. He told her he wanted her to “suck his dick.” He told her it wouldn’t take long and that they would be through before the kids got back. She said things just kind of escalated from there. She said she did not do it. No one saw this. They were alone in the dorm.
- Ms. McMillian stated he was standing behind her and he grabbed both of her breasts and cupped them. No one saw this. They were alone in the dorm.
- she said he asked her friend how much money it would take to get her (Note: her friend is Veronica Harris of Harris Hall)
- talked with her about the website “blackp” (blackpussy)
- Mr. Hardy knew where her house was. One night he came to talk about her career. This was after Christmas. She and her friend had been to Toys R Us and her cell phone rang. He said he wanted to come over and talk about her career; she said okay and when she told him she lived in Spring Valley, he said he knew where she lived. Before she hung up the phone he was in her driveway. Her friend was there and they had some drinks and talked. They did not talk about her career, it seemed. Mr. Hardy pulled up his tee shirt over his head and put it behind his head and was rubbing himself. Her friend went and laid down and Mr. Hardy left in a little while.
- Mr. Hardy put her on the 12-8 am shift when three other men wanted it because he knew she had been talking to Mr. Bolling about getting a transfer to another dorm. He told her it would take her two years to transfer out of his dorm; the only reason Mr. Chriske got out was because he was white. Mr. Hardy said he was in the MM clique and he could write good. He wrote himself out of all kinds of trouble. He had gotten out of everything because he could write.
- Ingrid Williams (590-7197): not interested in men. Dortch sexually harassed her until he figured it out. She bought \$300 worth of merchandise from Mr. Hardy. He sells merchandise to all staff on campus.
- the chemical book is falsified. He told her to make up stuff. She left in January but kept the book until March/April. He gave her a sheet to go by.
- she does not want this all over the campus like is going on with Greta Johnson. I didn’t know what she was talking about. She said Greta Johnson and Carl Gadson and a sexual harassment complaint. I told her I still did not know what she was talking about and that it did not come through this office. She said Carl Gadson told her himself. I told her I still did not know what he meant.
- Mr. Hardy said he would give her a monthly salary if she would be his side woman.
- her mom heard him ask her to meet him at a hotel (she held the phone out so she could hear).
- Ms. McMillian has heard he tried to go with Bernice Howard a former employee and Ms. Mary Moten a former employee. She does not know anything to be a fact, she just has

C04116

- Eugene Smith got moved because of a rumor about Mr. Hardy. Nobody believed it but it was true. Mr. Hardy told her himself it was true.

End of interview

---

004116

## Daily Time &amp; Attendance Report

## PAIGE HALL

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date: 04/15/05

Name	In	Out	Leave Hrs. Taken	Leave Code	Total Hr. Wrk.	Signature
DORTCH, ROGERS	11:00	5:00	3	A	5	Roy Dortch
ELLIS, JONATHAN						
FARLEY, RASHIN	4	12			8	Rashin Farley
HARVEST, ARTHUR	12 <sup>00</sup>	8 <sup>00</sup>			8	Arthur Harvest
MCCOLLUM, MIKE						
MCMILIAN, TERA	12	8			8	Tera McMillian
MILES, BRIAN	2 <sup>05</sup>	9 <sup>05</sup>			7	B. Miles
MOORE, JAMES, SR.						
WILLIAMS, INGRID	4 <sup>10</sup>	10 <sup>05</sup>	2	H	6	Ingrid Williams
WILSON, SHADRICK	4	12			8	S. Wilson

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

B - Blood

3756

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date: 6-15-05
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson	7A	3p	0	0	8	<i>P. Alexander</i>	
<i>Bolling, Derrick</i>							
<i>Bosworth, Gayle (CM)</i>							
Chriske, Donald	6 <sup>00</sup> A	2 <sup>00</sup> P			8	<i>chriske</i>	
Griner, Syreeta							
Hall, Vanessa	6 <sup>00</sup>	2			8	<i>V. Hall</i>	
Hammonds, Jacob	2 <sup>00</sup>	10 <sup>00</sup>			8	<i>J. Hammonds</i>	
Hood, Elijah							
Hughes, Jason							
Johnson, Martha	2 <sup>00</sup> pm	10 <sup>00</sup> pm			8	<i>M. Johnson</i>	
Jones, Sammie L.							
McCall, James							
Washington, Vincent	2	8			6	<i>Washington</i>	
Webster, Greg	10pm	6am			8	<i>G. Webster</i>	
Whitted, Felicia							
McMillian, Tera	10pm	6am			8	<i>Tera McMillian</i>	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:** A - Annual S - Sick C - Comp H - Holiday  
J - Jury M - Military P - Personal

005156

## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

GENERAL

PLAINTIFF'S  
EXHIBIT  
3

CASE NUMBER

05479

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Tera A. McMillan

HOME TELEPHONE (Include Area Code)

334-284-9559

STREET ADDRESS

CITY, STATE AND ZIP CODE

312 Adler Drive

Montgomery, AL 36116

DATE OF BIRTH

01/12/1973

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT  
DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Alabama Department of Youth Services

Over 100

(334) 215-3812

STREET ADDRESS

CITY, STATE AND ZIP CODE

Po. Box 66

Mount Meigs, AL 36057

COUNTY

Montgomery

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐

RACE

☐

COLOR

☒

SEX

☐

RELIGION

☐

AGE

☒

RETALIATION

☐

NATIONAL

☐

DISABILITY

☐

OTHER (Specify)

ORIGIN

DATE DISCRIMINATION TOOK PLACE EARLIER

May 2003

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

1. My name is Tera McMillan and I am employed by the Respondent at its Mount Meigs campus. I was first hired by the Respondent in October 2002 and since that time I have always performed my duties and responsibilities in a satisfactory manner. Since May of 2003, I have been subjected to a sexually hostile work environment by my supervisor and my co-workers.

2. Beginning in May of 2003, I have persistently been propositioned for sex and sexual favors by my immediate supervisor Michael J. Hardy. On an almost daily basis, Hardy has requested that I "suck his dick." He has offered me money and other material objects if I would perform this act of oral sex on him. Furthermore, Hardy has almost on a daily basis talked about his sexual prowess with other female workers at the Respondent's Mount Meigs campus. For example, Hardy has stated to me that he cannot "fuck all night like he used to" and that he can "only fuck real hard for 5 of 6 minutes" at this time in his life. Also, Hardy grabbed both my breasts while I sat at a desk in the facility. All of this behavior was uninvited and unwelcome and I asked Hardy to stop harassing me, but he did not. Hardy also stated that he loved big "titties" and requested that be allowed to suckle my breast in the office. Again I declined his invitation. Hardy also spoke regularly of his abilities with regard to oral sex and asked me to allow him to try such with me. As before I declined his invitation and requested that he leave me alone.

3. During this time of almost constant harassment, I began seeing a doctor for anxiety and depression regarding these issues. My treating position placed me on medication and referred me to a therapist to help deal with these issues.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Day, month, and year)

7/12/2005 000181

4. In March of 2005, Hardy began asking me to go to hotels with him for sex and offered to buy me a car, tires, and other goods in exchange for my compliance. I did not go along with his request. Hardy's harassment of me continued until I reported him on June 16, 2005. After I reported Hardy I was made to transfer to another department within the Mount Meigs facility. Since arriving in the new department, I have been subject to retaliation in the form of personnel not being willing to help me learn the new position and I have been threatened with being disciplined for no reason.

July 12, 2005  
Date

Tera A. McMillan  
Tera A. McMillan

JUL 12 2005

RECEIVED  
EEOC

RECEIVED EEOC

000182



BOB RILEY  
GOVERNOR

State of Alabama  
*Department of Youth Services*

Post Office Box 66  
Mt. Meigs, Alabama 36057

July 19, 2005



J. WALTER WOOD, JR.  
EXECUTIVE DIRECTOR

MEMORANDUM

TO: J. Walter Wood, Jr.  
Executive Director

FROM: Debra L. Spann *DLS*  
Personnel Manager

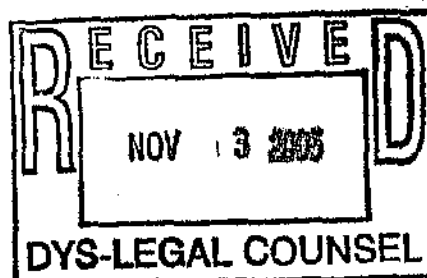
SUBJECT: Sexual Harassment Complaint  
Tera McMillian vs. Michael Hardy

I have investigated the above complaint. I find the complaint to be valid. Two (2) witnesses heard or were asked sexually inappropriate questions concerning Ms. McMillian by Mr. Hardy. In addition, from the information provided by Ms. McMillian, I definitely feel one or more of the incidents which were described to me occurred.

Mr. Hardy is making much of the fact he has not seen or been around Ms. McMillian except for a few minutes since February, 2005 -- she has been on the 12-8 a.m. shift. Ms. McMillian states these incidents occurred over the past two (2) years. Mr. Hardy also is quite concerned that confidentiality has been breached and his good name and character have been compromised.

Mr. Hardy should be disciplined for his actions. All staff should be re-trained on sexual harassment. It is apparent to me thinking has not changed in this department. We cannot condone telling staff to do one thing and doing something else ourselves (it is my understanding Mr. Hardy went over sexual harassment at every staff meeting). I have contacted Maxine Wheeler to do Sexual Harassment Training for our staff as it did not sink in with State Personnel doing it.

DLS

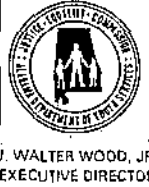


004113





State of Alabama  
Department of Youth Services  
Post Office Box 66  
Mt. Meigs, Alabama 36057



December 8, 2005

MEMORANDUM

TO: J. Walter Wood, Jr.  
Executive Director  
*Marcia Calendar*

FROM: Marcia Calendar  
Executive Assistant

RE: Findings and Recommendations based on Administrative Fact Finding Hearing held at Mt. Meigs on November 15, 2005 for Michael Hardy

ALLEGATIONS:

An Administrative Fact Finding Hearing was held on November 15, 2005, at the Central Office at Mt. Meigs for Michael Hardy. You requested the hearing to determine whether disciplinary action is warranted based upon the following alleged inappropriate work conduct:

Violation of the Rules of the State Personnel Board (670-X-19-.01 (1g) - disruptive conduct) and/or violation of the Rules of the State Personnel Board (670-X-19-.01 (2 e) - use of abusive or threatening language) and/or violation of the Rules of the State Personnel Board (670-X-19-.01 (2 j) - serious violation of any other department rule), and/or violation of DYS Policy (3.13.2 - Prohibition of Sexual Harassment): Specifically, you were alleged to have made sexual advances and/or to have created a hostile working environment for a subordinate employee, Tera McMillan, who filed a harassment complaint against you. In response to Ms. McMillan's harassment complaint you are alleged to have attempted, among other things, to cause an investigation against her for her having filed a complaint against you.

~~On June 14, 2005, Ms. Tera McMillan made a complaint of sexual harassment against Mr. Hardy. Mr. Hardy supervises Ms. McMillan. You assigned Ms. Spann to investigate the allegations. Ms. Spann concluded, based on corroborating evidence, as a matter of fact that the complaint was valid. Ms. Spann recommended disciplinary action. Attached hereto is a copy of Ms. Spann's finding and recommendation.~~

In addition, in response to Ms. McMillan's complaint against Mr. Hardy, Mr. Hardy sought have Ms. McMillan investigated. Mr. Hardy filed with Ms. Spann a "grievance" against McMillan, contrary to the grievance procedure. Moreover, the subject of the "grievance"



not an issue covered by the grievance procedure. Attached hereto is a copy of the "grievance" filed by Mr. Hardy against Ms. McMillian.

Individuals present during the November 15, 2005 hearing were: Ms. Karen John, Mr. Victor Black, Mr. Rogers Dortch, Mr. James Monroe, Mr. Fred Grant, Mr. Eugene Smith, and Mr. Brian Miles.

#### FINDINGS:

The following findings were determined based upon a review of the testimony, documents presented during the hearing, a review of the employee's personnel file, and additional efforts to verify the testimony of the witnesses.

All allegations against Mr. Hardy are found to be substantiated.

#### RECOMMENDATIONS:

Upon a review of the evidence presented during the hearing and a review of Mr. Hardy's personnel file including past performance evaluations, the following recommendation is made:

Terminate Mr. Hardy's employment as a Youth Services Counselor I for the stated allegations which were found to be substantiated. This employee was the complaining party's supervisor. He was aware of the prohibitions against sexual harassment and he was well aware of the anti-retaliation policy.

The employee denies that he sexually harassed Ms. McMillian as Ms. Spann concluded. He argues that Ms. McMillian was working a second job with a Hyundai supplier and that her second job shift began before her DYS shift ended. He argues that she had a motive to fabricate the allegation and thereby acquire more favorable working hours. Ms. Spann investigated his defense and found it not credible, based in part on Ms. McMillian's denial that she had a second job. I now have reason to doubt Ms. McMillian. Specifically, Ms. McMillian recently informed Ms. Spann that she does have a second job, but she stated it began within the past two months—well after she made her sexual harassment complaint against Mr. Hardy. The existence of a possible motive for fabrication which has come to light since Ms. Spann's investigation thus creates a question whether Ms. Spann's conclusion was correct.

---

~~However, that doubt is insufficient to cause me to contradict Ms. Spann or to recommend~~ disciplinary action less than termination. Mr. Hardy clearly attempted to retaliate against Ms. McMillian for filing the complaint against him. Mr. Hardy is, or should be, familiar with the grievance procedure which requires grievances to follow the chain of command, yet he filed this "grievance" with the personnel director. Moreover, the substance of this "grievance" was neither within the scope of the grievance procedure nor within the scope of the anti-discrimination complaint procedure—which requires complaints to be directed to the personnel director. Mr.

Hardy is well aware how personally disturbing it is to be investigated by DYS. Witnesses confirmed that Mr. Hardy had discussed this with them prior to Mr. Hardy's retaliatory "grievance" against Ms. McMillian. I find that Mr. Hardy initiated the "grievance" to retaliate against Ms. McMillian. This Agency can no more tolerate retaliation than sexual harassment itself.

Enclosures



State of Alabama  
Department of Youth Services  
Post Office Box 66  
Mt. Meigs, Alabama 36057  
January 6, 2006



CONFIDENTIAL

Mr. Michael Hardy  
2900 Marti Lane  
Montgomery, AL 36116

Dear Mr. Hardy:

As you are aware, an administrative fact finding hearing was held on November 10, 2005, to determine what disciplinary action should be taken concerning your Youth Services Counselor I position with this department.

Based on the testimony and documents presented during the hearing, there was evidence to support that there was a violation of the Rules of the State Personnel Board (670-X-19-.01 (1g) - disruptive conduct) and/or violation of the Rules of the State Personnel Board (670-X-19-.01 (2 e) - use of abusive or threatening language) and/or violation of the Rules of the State Personnel Board (670-X-19-.01 (2 j) - serious violation of any other department rule) and/or violation of DYS Policy (3.13.2 - Prohibition of Sexual Harassment).

Based on the evidence and a review of your personnel file, I hereby order your dismissal from the Department of Youth Services effective at the close of business January 6, 2006. You will receive your last regular pay check on January 20, 2006. You will be paid for any unused annual, holiday, compensatory or personal leave you may have on February 3, 2006.

Your state employees' medical insurance will end on January 31, 2006. If you wish to purchase health insurance coverage you may contact the State Employees Insurance Board at 1-800-513-1384.

You may request a refund of your retirement contributions by completing a Form 7, Notice of Final Deposit and Request for Refund. The form may be obtained from the Human Resources Section. If you wish, you may leave your contributions on deposit for up to five years.

The Rules of the State Personnel Board state that you may, within ten (10) days after notification of dismissal, request a hearing by the State Personnel Board. The request should include a written answer to the charges. This request should be addressed to Ms. Jackie Graham, Personnel Director, State Personnel Department, 64 North Union Street, Montgomery, AL 36130. Please send a copy of the request to the Department of Youth Services.

Sincerely,

  
J. Walter Wood, Jr.  
Executive Director

JWW/dls

c: State Personnel Department  
Mr. Davis  
Mr. Booker  
Ms. Coles

000337

## Daily Time &amp; Attendance Report

PAIGE HALL



(Sat.) Sun. Mon. Tue. Wed. Thur. Fri.

Date: 6/11/2005

Name	In	Out	Leave Hrs. Taken	Leave Code	Total Hr. Wrk.	Signature
DORTCH, ROGERS	4:00	5:00	7	A	1	<i>Roy Dortch</i>
ELLIS, JONATHAN	12:00	8:00			8	<i>Jonathan Ellis</i>
FARLEY, RASHIN	8	4			8	<i>Rashin Farley</i>
HARVEST, ARTHUR						
MCCOLLUM, MIKE	8:00	4:00			8	<i>M. McCollum</i>
MC MILIAN, TERA	12	8			8	<i>Tera McMullin</i>
MILES, BRIAN	4	8		3+	4	<i>B. Miles</i>
MOORE, JAMES, SR.	4:00	12:00			8	<i>James Moore</i>
WILLIAMS, INGRID	8:00	4:00			8	<i>Ingrid Williams</i>
WILSON, SHADRICK	4:30	12:00	.5	H	7.5	<i>S. Wilson</i>

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:      A - Annual      S - Sick      C - Comp      H - Holiday  
                      J - Jury      M - Military      P - Personal      B - Blood

003752

## Daily Time &amp; Attendance Report

## PAIGE HALL

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date: 06/12/05

Name	In	Out	Leave Hrs. Taken	Leave Code	Total Hr. Wrk.	Signature
DORTCH, ROGERS					0H	
ELLIS, JONATHAN	12:00	8:00			8	Jonathan Ellis
FARLEY, RASHIN	8	4			8	Rashin Farley
HARVEST, ARTHUR						
MCCOLLUM, MIKE	8:00	4:00			8	M. McCollum
MCMILIAN, TERA	12	8			8	Tera McMillian
MILES, BRIAN	4:00	12:00			8	B. Miles
MOORE, JAMES, SR.	4:00	12:00			8	James Moore
WILLIAMS, INGRID	8:03	4:00			8:03	Ingrid Williams
WILSON, SHADRICK	4	9 <sup>30</sup>	2 1/2	H	5 1/2	S. Wilson

- Place in the business office box daily.
- Please submit appropriate leave slip with this sign-in sheet.
- It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

B - Blood

000750

## Daily Time &amp; Attendance Report

## PAIGE HALL

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date: 6/13/2005

Name	In	Out	Leave Hrs. Taken	Leave Code	Total Hr. Wrk.	Signature
DORTCH, ROGERS					off	
ELLIS, JONATHAN	12:00	8:00			8	Jonathan Ellis
FARLEY, RASHIN			off			
HARVEST, ARTHUR						
MCCOLLUM, MIKE	2:00	6:00	X1	H	4	M. McCollum
MCMILIAN, TERA	12	8			8	Tera McMillian
MILES, BRIAN	2	10			8	Brian Miles
MOORE, JAMES, SR.	4:00	12:00			8:10	James Moore
WILLIAMS, INGRID						
WILSON, SHADRICK	4	12			8	S. Wilson

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:      A - Annual      S - Sick      C - Comp      H - Holiday  
                      J - Jury      M - Military      P - Personal      B - Blood

003754

## Daily Time &amp; Attendance Report

## PAIGE HALL

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date: 6/14/05

Name	In	Out	Leave Hrs. Taken	Leave Code	Total Hr. Wrk.	Signature
DORTCH, ROGERS	2:00	6:00	4	A	4	Roger Dortch
ELLIS, JONATHAN						
FARLEY, RASHIN			off			
HARVEST, ARTHUR	12 <sup>00</sup>	8			8	Arthur Harvest
MCCOLLUM, MIKE	4:00	12:00			8	M. McCollum
MC MILIAN, TERA	12	8			8	Tera McMillan
MILES, BRIAN	2	10			8	B. Miles
MOORE, JAMES, SR.						
WILLIAMS, INGRID						
WILSON, SHADRICK	4	12			8	S. Wilson

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

B - Blood

003755

## Daily Time &amp; Attendance Report

## PAIGE HALL

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date: 06/15/05

Name	In	Out	Leave Hrs. Taken	Leave Code	Total Hr. Wrk.	Signature
DORTCH, ROGERS	11:00	5:00	3	A	5	Rog Dortch
ELLIS, JONATHAN						
FARLEY, RASHIN	4	12			8	Rashin Farley
HARVEST, ARTHUR	12 <sup>00</sup>	8 <sup>00</sup>			8	Arthur Harvest
MCCOLLUM, MIKE						
MC MILIAN, TERA	12	8			8	Tera McMillan
MILES, BRIAN	2 <sup>05</sup>	9 <sup>05</sup>			7	B. Miles
MOORE, JAMES, SR.						
WILLIAMS, INGRID	4 <sup>05</sup>	10 <sup>05</sup>	2	H	6	Ingrid Williams
WILSON, SHADRICK	4	12			8	S. Wilson

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

B - Blood

3756



# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date: 6-15-05
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson		7A	3p	0	0	8	P. Johnson
Bolling, Derrick							
Bosworth, Gayle (CM)							
Chriske, Donald		6 <sup>00</sup> A	2 <sup>00</sup> P			8	chriske
Griner, Syreeta							
Hall, Vanessa		6 <sup>00</sup>	2			8	V. Hall
Hammonds, Jacob		2 <sup>00</sup>	10 <sup>00</sup>			8	J. Hammonds
Hood, Elijah							
Hughes, Jason							
Johnson, Martha		2 <sup>00</sup> pm	10 <sup>00</sup> pm			8	M. Johnson
Jones, Sammie L.							
McCall, James							
Washington, Vincent		2	8			6	Washington
Webster, Greg		10pm	6am			8	Greg Webster
Whitted, Felicia							
McMillian, Terrell		10pm	6am			8	Terrell McMillian

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

005156

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat. Sun. Mon. Tue. Wed. Thur. Fri. Date: 6-16-08

Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature
Alexander, Johnson	7A	930	5.30 min	S	2.30	J. Alexander
Bolling, Derrick						
Bosworth, Gayle (CM)						
Chriske, Donald	6 <sup>00</sup>	1230	1.30	S	6.30	Chriske
Griner, Syreeta	200	1000	-	-	8 <sup>00</sup>	S. Griner
Hall, Vanessa	6 <sup>00</sup>	200			8	V. Hall
Hammonds, Jacob	200	10 <sup>00</sup>			8	J. Hammonds
Hood, Elijah	2 <sup>00</sup>	8 <sup>00</sup> pm	/	/	6.0	E. Hood
Hughes, Jason			8	H		
Johnson, Martha						
Jones, Sarnmie L.						
McCall, James						
Washington, Vincent						
Webster, Greg	10 <sup>00</sup> am	6 <sup>00</sup> am			8	G. Webster
Whitted, Felicia						
McMillan, Tera	10	6			8	T. McMillan

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

### Leave Codes:

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

005157

# DAILY TIME & ATTENDANCE REPORT

## Trustees Hall

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date 6/16/05

Name	In	Out	Off	Leave hrs taken	Leave Code	Total hrs wkr	Signature
Egbuna, Donatus	12 <sup>MM</sup>	8 <sup>MM</sup>				8	D. Egbuna
Harris, LaQuanda						✓	
Lee, Sylvesta	6pm	12am				6	Sylvesta Lee
Lewis, Charles	4pm	12am				8	Charles
McDonald, Marlo	8am 1 <sup>30</sup> <sub>p</sub>	4:30 6 <sup>20</sup> <sub>pm</sub>				6 1/2	Marlo McDonald
Parker, Herman						✓	
Sharp, Michelle						✓	
Smiley, Johnny	2pm	10pm				8	Johnny Smiley
Tillman, Thomas	Resigned			Thurs	6/16/05		
Wheeler, Monique	12 <sup>AM</sup>	8 <sup>AM</sup>				8 AM	Monique Wheeler

It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A-Annual  
J-Jury

S-Sick  
M-Military

H-Holiday  
P-Personal

C-Comp  
B-Blood

Marlo McDonald

CC5171

## Daily Time &amp; Attendance Report

## PAIGE HALL

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date: 6/16/2005

Name	In	Out	Leave Hrs. Taken	Leave Code	Total Hr. Wrk.	Signature
DORTCH, ROGERS			8	A		
ELLIS, JONATHAN	1200	800			8	Jonathan Ellis
FARLEY, RASHIN	2	10			8	Rashin Farley
HARVEST, ARTHUR	12 <sup>00</sup>	8 <sup>00</sup>			8	Arthur Harvest
MCCOLLUM, MIKE						
MCMILIAN, TERA						
MILES, BRIAN	2 <sup>00</sup>	4 <sup>00</sup>			2	B. Miles
MOORE, JAMES, SR.	4:00	12:00			8	James Moore
WILLIAMS, INGRID	4 <sup>05</sup>	12 <sup>05</sup>			8	Ingrid Williams
WILSON, SHADRICK				off		

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

B - Blood

003757

**DAILY TIME & ATTENDANCE REPORT****Trustees Hall**Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date 6/17/05

Name	In	Out	Off	Leave hrs taken	Leave Code	Total hrs wkr	Signature
Egbuna, Donatus						✓	
Harris, LaQuanda	2pm	6pm				4	LaQuanda Harris
Lee, Sylvesta						✓	
Lewis, Charles	2pm	8pm				8	Leis
McDonald, Marlo	2	8				6	Marlo McDonald
Parker, Herman						✓	
Sharp, Michelle	4:00	12				8	M. Sharp
Smiley, Johnny	7:12	12				8:10	Johnny Smiley
Tillman, Thomas							
Wheeler, Monique	10 A.M.	6:30				4:30	Monique Wheeler

McMillian, Tera 12:00  
 It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:A-Annual  
J-JuryS-Sick  
M-MilitaryH-Holiday  
P-PersonalC-Comp  
B-Blood

Marlo McDonald

005172

## Daily Time &amp; Attendance Report

## PAIGE HALL

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date: 6/18/08

Name	In	Out	Leave Hrs. Taken	Leave Code	Total Hr. Wrk.	Signature
DORTCH, ROGERS	12:30	7:30	1	A	7	Roger Dortch
ELLIS, JONATHAN	1200	800			8	Jonathan Ellis
FARLEY, RASHIN	2	10			8	Rashin Farley
HARVEST, ARTHUR	1200	800			8	Arthur Harvest
MCCOLLUM, MIKE	4:00	12:00			8	M. McCall
MCMILIAN, TERA						
MILES, BRIAN	N/A					
MOORE, JAMES, SR.	4:00	12:00			8	James Moore
WILLIAMS, INGRID						
WILSON, SHADRICK				off		

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

B - Blood

003758

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	<u>Fri.</u>	Date: <u>June 17, 08</u>
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson			8	S			
<i>Bolling, Derrick</i>							
<i>Bosworth, Gayle (CM)</i>							
Chriske, Donald							
Griner, Syreeta	2:00	10:00	—	—	8	S. Griner	
Hall, Vanessa	6:00	2:00			8	V. Hall	
Hammonds, Jacob	2:00	10:00			8	J. Hammonds	
Hood, Elijah	7:00 AM	8:00 PM	—	—	13.0	E. Hood	
Hughes, Jason			8	M			
Johnson, Martha							
Jones, Sammie L.	6 AM	2 PM	3:30	—	4:30	S. Jones	
McCall, James							
Washington, Vincent							
Webster, Greg							
Whitted, Felicia	10 PM	6 AM			8	F. Whitted	
<i>HAYNES, DeLona</i>	10:00 P	6:00 A			8	D. Haynes	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

005158

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date: 6-18-05
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson							
Bolling, Derrick							
Bosworth, Gayle (CM)							
Chriske, Donald							
Griner, Syreeta	7 <sup>00</sup>	8 <sup>00</sup>	—	—	13	S-J	
Hall, Vanessa	6 <sup>00</sup>	12 <sup>30</sup>	6.30		6.30	V. Hall	
Hammonds, Jacob	10 <sup>00</sup>	6 <sup>00</sup>			8.00	J. Hammonds	
Hood, Elijah	2 <sup>00</sup> pm	10 <sup>00</sup> pm	—	—	8.0	E. Hood	
Hughes, Jason			8	M			
Johnson, Martha	12 <sup>30</sup> pm	10 <sup>00</sup> pm			9.30	M. Johnson	
Jones, Sammie L.	6 PM	2 pm	—	—	8	M. Jones	
McCall, James							
Washington, Vincent			8	A			
Webster, Greg							
Whitted, Felicia			8	A			
McMillian, Tera	10	6			8	Tera McMillian	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:** A - Annual S - Sick C - Comp H - Holiday  
J - Jury M - Military P - Personal

005159



## Daily Time &amp; Attendance Report

## PAIGE HALL

Sat. Sun. Mon. Tue. Wed. Thur. Fri.

Date: 6/18/2005

Name	In	Out	Leave Hrs. Taken	Leave Code	Total Hr. Wrk.	Signature
DORTCH, ROGERS	8:00	4:00			8	<i>Roy Dortch</i>
ELLIS, JONATHAN	12:00	8:00			8	<i>Jonathan Ellis</i>
FARLEY, RASHIN	8	4			8	<i>Rashin Farley</i>
HARVEST, ARTHUR	12 <sup>00</sup>	8 <sup>00</sup>			8	<i>Arthur Harvest</i>
MCCOLLUM, MIKE	8:00	4:00			8	<i>M. McColl</i>
MCMILIAN, TERA	12:00	8			8	
MILES, BRIAN	4	12			8	<i>B. Miles</i>
MOORE, JAMES, SR.	4:00	8:00			4	<i>James Moore</i>
WILLIAMS, INGRIA						
WILSON, SHADRICK	4	12			8	<i>S. Wilson</i>

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes: A - Annual S - Sick C - Comp H - Holiday  
J - Jury M - Military P - Personal B - Blood

*Felicia Whitted* In - 12:00 ~~Out~~ *Felicia Whitted*  
Out - 8:00

003759

**DAILY TIME & ATTENDANCE REPORT****Trustees Hall**

Sat. Sun. Mon. Tue. Wed. Thur. Fri.

Date

6/18/05

Name	In	Out	Off	Leave hrs taken	Leave Code	Total hrs wkr	Signature
Egbuna, Donatus						✓	
Harris, LaQuanda	8am	8pm				12	LaQuanda Harris
Lee, Sylvesta	8am	12am				4	Sylvesta Lee
Lewis, Charles	12am	8am				8	Charles Lewis
McDonald, Marlo	8 <sup>4p</sup> am	12 <sup>8p</sup> pm				4 <sup>6</sup> + 11 <sup>10</sup> am	Marlo McDonald
Parker, Herman	12 PM	8 PM				8	Herman J. Parker
Sharp, Michelle	4p	12				8	M. Sharp
Smiley, Johnny	8	4				8	Johnny Smiley
Fillman, Thomas							
Wheeler, Monique	12 AM	8 AM				8 AM	Monique Wheeler

It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A-Annual  
J-Jury

S-Sick  
M-Military

H-Holiday  
P-Personal

C-Comp  
B-Blood

M2 W2

005173

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat.	<u>Sun.</u>	Mon.	Tue.	Wed.	Thur.	Fri.	Date: 10-19-05
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson							
Bolling, Derrick							
Bosworth, Gayle (CM)							
Chriske, Donald	6 <sup>45</sup>	2 <sup>45</sup>			8	chriske	
Griner, Syreeta	8 <sup>00</sup>	8 <sup>00</sup>	—	—	12	S. Griner	
Hall, Vanessa							
Hammonds, Jacob	7 <sup>00</sup>	10 <sup>00</sup>			8	Jacob Hammonds	
Hood, Elijah							
Hughes, Jason				8	M		
Johnson, Martha	12 <sup>00</sup> pm	10 <sup>00</sup> pm			10	Martha Johnson	
Jones, Sammie L.	6 AM	12:30	1.5	A	6.5	Sammie Jones	
McCall, James							
Washington, Vincent				8	A		
Webster, Greg	10 pm	6 am			8	Greg Webster	
Whitted, Felicia							
TAYLOR, DEBBIE	10:00	6 <sup>00</sup> A			8	Debbie Taylor	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**    A - Annual    S - Sick    C - Comp    H - Holiday  
                      J - Jury       M - Military    P - Personal

005160

**DAILY TIME & ATTENDANCE REPORT****Trustees Hall**Sat. Sun Mon. Tue. Wed. Thur. Fri.Date 6/19/05

Name	In	Out	Off	Leave hrs taken	Leave Code	Total hrs wkr	Signature
Egbuna, Donatus	8 AM	4 PM				8	D. Egbuna
Harris, LaQuanda	8 AM	4 PM				8	LaQuanda Harris
Lee, Sylvesta	4 PM	8 PM				4	Sylvesta Lee
Lewis, Charles	4 PM	12 AM				8	Charles Lewis
McDonald, Marlo	12 PM	8 PM				8	Marlo McDonald
Parker, Herman	8 AM	4 PM				8	Herman Parker
Sharp, Michelle	4 PM	12 PM				8	Michelle Sharp
Smiley, Johnny						✓	
Tillman, Thomas							
Wheeler, Monique	10 AM	8 AM				8 AM	Monique Wheeler

It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:A-Annual  
J-JuryS-Sick  
M-MilitaryH-Holiday  
P-PersonalC-Comp  
B-Blood

005174

## Daily Time &amp; Attendance Report

## PAIGE HALL

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date: 6/19/2005

Name	In	Out	Leave Hrs. Taken	Leave Code	Total Hr. Wrk.	Signature
DORTCH, ROGERS						
ELLIS, JONATHAN	12:00	8:00			8	Jonathan Ellis
FARLEY, RASHIN	8	4			8	Rashin Farley
HARVEST, ARTHUR						
MCCOLLUM, MIKE	8:00	8:00			12	M. McCollum
MCMILIAN, TERA						
MILES, BRIAN	4:15	12:00			4:15	Brian Miles
MOORE, JAMES, SR.	8:00	4:00			8	James Moore
WILLIAMS, INGRID						
WILSON, SHADRICK	4	12			8	S. Wilson

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes: A - Annual S - Sick C - Comp H - Holiday  
J - Jury M - Military P - Personal B - Blood

Felicia Whitted In - 10:00 Out - Felicia Whitted

003760

## CONTACT WITH STAFF

UNIT ITUDATE NOV. 29, 2005

I, Sylvester Lee Sr. SPOKE WITH MR. OR (MS) TERA McMillian ON THE ABOVE DATE AND DISCUSSED THE FOLLOWING: Failure to attend staff meeting and mandatory training scheduled for November 29, 2005 in the Intensive Treatment Unit (ITU) dormitory. This warning is the first step in the State Alabama Progressive Discipline manual for State Employees. Failure to attend staff meeting and mandatory training on this warning will result in your final appraisal will be filed in your personnel file and submitted to your final appraisal.

Sylvester Lee Sr.  
UNIT MANAGER (SIGNATURE)

STAFF MEMBER (SIGNATURE)

DATE \_\_\_\_\_

004321

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat. Sun. Mon. Tue. Wed. Thur. Fri. Date: 12-30-05

Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature
Alexander, Johnson	6A	2p			8	J. Alexander
Chriske, Donald						
Griner, Syreeta	2 <sup>00</sup>	10 <sup>00</sup>			8	S. Griner
Hall, Vanessa	1 <sup>00</sup>	2 <sup>00</sup>			8	V. Hall
Hammond, Jacob	10 <sup>00</sup>	6 <sup>00</sup>			8	J. Hammond
Hood, Elijah			8	H		
Hughes, Jason	2 <sup>00</sup>	11 <sup>00</sup>			9 <sup>30</sup>	J. Hughes
Johnson, Martha						
Jones, Sammie L.	6 AM	1 <sup>15</sup> PM	.45	H	7.15	S. Jones
Lee, Sylvesta (UM)	8:00 AM	4:30 PM			8.5	S. Lee
McMillian, Tera	11	6	1	H	7	T. McMillian
Washington, V						
Webster, Greg	M & M. 11 AM 1 Hour					G. Webster
Whitted, Felice	LATE FOR WORK					F. Whitted
	OVERT SLEPT					
	(11 PM)					

1. Place in
  2. Please
  3. It is the
- 12/30/05
- overtime form accompanies this sign-in sheet.

Authorization to work

### Leave Codes:

A - Annual S - Sick C - Comp  
J - Jury M - Military P - Personal

H - Holiday **003533**

## CONTACT WITH STAFF

UNIT ITUDATE 20 JAN 2006

I, Sylvester Lee, SPOKE WITH MR. OR (MS) MEMILIAN TERA ON THE ABOVE DATE AND DISCUSSED THE FOLLOWING: INSUBORDINATION  
"MAN YOU MUST BE TRIPPING" ON 20 JAN 2006 MS. MEMILIAN CALLED ME AT HOME FROM WORK around 11 PM. SHE STATED THAT HER MOTHER WAS SICK AND DISABLED AT HOME WITH HER SON. MS. MEMILIAN SAID THAT SHE HAD TO LEAVE WORK. I (MR. LEE) ASKED MS. MEMILIAN WAS HER MOTHER SICK BEFORE SHE LEFT HOME FOR WORK. DID HER MOTHER HAD TO GO TO THE HOSPITAL? IF SHE DID I WOULD NEED A SLIP FROM THE HOSPITAL EMERGENCY ROOM. MS. MEMILIAN REPLIED "MAN YOU MUST BE TRIPPING" AS YOUR SUPERVISOR I HAVE THE RIGHT TO QUESTION YOUR REQUEST TO BE RELIEVED FROM DUTY IN WHICH YOU WERE SCHEDULED TO PERFORM. I WILL NOT TOLERATE YOUR INSUBORDINATION TOWARD ME AS YOUR IMMEDIATE SUPERVISOR.

Sylvester Lee Jr  
 UNIT MANAGER (SIGNATURE)

STAFF Refused To Sign  
 STAFF MEMBER (SIGNATURE)

DATE 30 Jan 2006

0043-7

4320



2/4/06

To Whom it may Concern:

On the night of question Mrs McMillian and Mr Lee had a small argument on the phone concerning a family emergency. Words were passed; Mrs McMillian started to become upset but she did gain control of herself and proceed with the conversation. I do believe that Mrs McMillian or Mr Lee did not intend to disrespect each other and they did not.

Joel M. Hammer

003495

On Feb 1, 2006 I (Mr Washington) received a phone call from Ms McMillian about 5<sup>55</sup>pm stating that she would not be able to come to work on the 10-6 shift because her mother was in the hospital. I (Mr Washington) acknowledge Ms McMillian and told her that I would page the unit manager Mr Lee. At 6<sup>00</sup>pm the unit manager was paged and notified of the situation.

Vincent Washington

2-1, 2006

004318

4318

3 Feb 2006

I spoke with ms. merrill on this morning at work. I asked her how was her mother doing. She responded that her mother was doing much better. She said the doctors thought that her mother had had another stroke. Her mother's blood pressure was elevated along with her blood count (sugar). I told ms. merrill that I could not contact her on the night of 1 Feb 2006 (wed).

I (DOR. LEE) worked the 3rd ~~shift~~ shift (10pm - 6am). ~~at~~ ms. merrill called the Unit control room on 1 Feb 2006 to say that she would not be in for work. (SEE MR. WASHINGTON Statement). I also told ms. merrill that I attempted to call her on the morning of 2 Feb 2006 to find out she would be to work that night.

(10pm - 6am 2 Feb 2006 Thursday) but no success. I informed ms merrill that in the future she needed to leave a phone number where she would be reached if she wasn't coming to work. End of conversation. ms. merrill thanked me for my concern.

Dor Lee

00471

4314

9 Feb. 2006 Approximately 1: PM

Ms. McMillan called in  
mother at Baptist Emergency  
Room

Scheduled to work 10.6

Webster worked in her  
place.

Webster was suppose to  
be off for Holiday, given

from Annual Training on  
23 Feb 2006.

003494

Feb. 10, 2006

At approx 3:30pm, M.D. M<sup>s</sup> William called the unit to say that she would not be coming in to work. She asked me to notify Mr. Lee and let him know, she also said "If he has any questions about it, he can call me at home".

I asked if he told her home number and she said that he did.

Felicia Whitted

STAFF was ~~already~~ already scheduled to be off for Holiday. MS. M<sup>s</sup> William along with all other STAFF, and given a copy of work schedule. All STAFF are also notified if a Holiday is taken before prior to day of duty. MS. M<sup>s</sup> William called in on 9 Feb 2006, to say that her mother was 004315

11 Feb 2004

Called MS. McMillan approximately 10AM from office phone at work. She was at home. I spoke with her grandmother and asked her to have MS. McMillan call me at work (control room). At approximately 11AM MS. Griner came from control room to inform me that I had a phone call. MS. Griner stated that she thought it was MS. McMillan, she didn't know for sure. I spoke with MS. McMillan. ~~that~~ She said that was returning my call. I asked was she coming to work tonight. MS. McMillan replied that she was coming to work.

~~calls~~ (my voice) recorded.

003492

2/14/06

At 4:10pm I Felicia Nettled answered a call from staff Mr. McMillan, she called stating that she did not feel well and she would not be in to work her scheduled shift.

Mr. Lee was paged shortly after, when he called I informed him of the situation.

Mr. Lee said that he would call her and request a doctor's excuse, ~~the~~ he then called back to say that he had spoke to Mr. McMillan requesting a doctor's excuse when she returned to work.

Felicia Nettled

003496



On 3/29/2007

Received Call from

Ms. Lewis reference

Ms. McMillion being

FLMA For the

Next (3) weeks.

Per Ms. Lewis

Ms. D. Spawin Call

Her To let Her know

That Ms. McMillion will

be on FLMA For

The Next Three weeks

Starting Today 3/29/2007

I call Ms. McMillion on 3/27/07  
Good

003550



4/20/06

Mr. McMillan became very upset after I told her and Jeff that Mr. Lee was outside getting laundry. She asked was Mr. Lee working? I said yes and then she began cursing saying "Oh hell no, fuck no I'm not working, I'll go to Baptist pick they all know me. I jokingly said 'Unit we all just get along'. Mr. McMillan asked again if Mr. Lee was working 10 to 6. I told her no, he worked 2-10, then she said Oh because I was not going to work with him, I then said 'well I'm sorry if I upset you next time I won't say anything

Felicia Whitted

003510

On April 24, 2007 called AT Agency 7:30  
MS. Nebra Spenn spoke  
to Sidney. I left message  
with for MS. Spenn to call  
me reference MS. McMillan  
FMLA. I need to know the  
date MS. McMillan needs  
to return to work. called 1245.

---

Memo on

W Rutherford

Henry

FOR Review to TNG May 07

003549

STATE OF ALABAMA

DEPARTMENT OF YOUTH SERVICES

BOB RILEY  
GOVERNOR

POST OFFICE Box 66  
MT. MEIGS, ALABAMA 36057

J. WALTER WOOD, JR.  
EXECUTIVE DIRECTOR

MEMORANDUM

**TO:** Debra Spann  
Personnel Manager

**FROM:** Sylvesta Lee Sr. *S.L.*  
Counselor I, ITU

**DATE:** April 24, 2007

**RE:** FMLA for Ms. Tera McMillian

On March 29, 2007, I (Mr. Lee) was told by Mrs. Janice Lewis, Campus Administrator, that she received a call from you (Debra Spann) informing her that one of my staff Ms. Tera McMillian was to be on FMLA (Family Medical Leave Act) for three weeks. I was totally unaware of this situation at the time. However, this Medical Leave was to start March 29, 2007 and ending on April 19, 2007. Staff was scheduled to work, so that all shifts were covered, due to Ms. McMillian being on authorized Medical Leave. Ms. Millian failed to report for work April 20-22, 2007.

Please notify me (Mr. Lee) of the date Ms. Millian is to return to work, so work schedules can be prepared. As a Unit Manger, this information is vital.

SL:dm

Cc: Janice Lewis  
Joe N. Pinkard  
James White  
Arnea Linden  
Tim Davis  
G. Wayne Booker  
Jim Kent

003553

**SAMPLE FORM THAT MAY BE USED FOR A  
COUNSELING, WARNING OR REPRIMAND**

THIS IS A ☒ COUNSELING  
☐ WARNING  
☐ REPRIMAND

Employee Name

TERA McMillian

State the facts of the performance or work conduct problem:

you failed to Notify SUPERVISOR OR REPORT TO  
WORK April 20, 21, & 22, 2007. (THREE days).

State what actions have been taken with the employee prior to this step of discipline (include counseling, coaching, and/or any disciplinary step):

STAFF HAS RECEIVED FORMAL COUNSELING FOR FAILURE TO ATTEND  
MANDATORY STAFF meeting IN THE PAST July 26, 2006; STAFF HAS ALSO  
RECEIVED A LETTER OF WARNING IN THE PAST FOR FAILURE TO ATTEND  
MANDATORY TRAINING FOR STAFF development December 6, 2005.

State how the situation can be resolved based on discussion with employee and input from the employee:

INFORMED MS. McMillian THAT SHE NEEDED A DOCTOR EXTENSION OF  
MEDICAL leave TO KEEP FROM BEING CHARGED THREE days  
SICK LEAVE WITHOUT PAY.

If a corrective action plan is developed in conjunction with the discipline, include the time frame that is being monitored for change in performance and the follow-up meeting date:

IF AN EXTENSION OF MEDICAL leave IS PROVIDED WITHIN THE NEXT  
FIVE days (weekends & holidays NOT included) NO FURTHER ACTION WILL BE TAKEN.  
IF NOT RECOMMENDATION FOR leave WITHOUT PAY WILL BE FORWARDED TO PRSO.

Supervisor's Signature:

Yusef Lee Jr.

Employee's Signature:

Refused TO STAFF

Date of Meeting

5/3/2007

Employee's signature denotes discussion not necessarily agreement. The employee may add comments which must be attached to this form. The form must be given to the employee with copies to the supervisory file and Personnel Office file in the agency.

003552

MS. McMillian

4/27/06

Work late

11:30 PM

MR. WEA Retrieved Mrs. Hammond

22 July 06  
Ms. McMillian  
10:55 PM  
Late for work

MS. McMillian

Work late

10:46 PM

10/28/06

10 Jan 2007 10 PM

INFORMED MS. McMillian  
TO fill out leave slip  
requesting days that  
she needed to be off

003558

## INTENSIVE TREATMENT UNIT

## USE OF FORCE REPORT

Student's Name: \_\_\_\_\_

Date: 8-6-06

Reviewed by: \_\_\_\_\_

Staff Reporting: \_\_\_\_\_

Martha J. Henson

On the 8-2-06 at 4:15 pm, Ms McMillen called the Control Room and ask for Mr Lee. I told her that Mr Lee was on leave, that Mr Christie was in Charge. She said she would not be to work tonight because she was sick. She said she had been to the Mr. And he gave her a leave until Monday 8-7-06. I gave her Mr Christie number where he could be reached.

003504

**SAMPLE FORM THAT MAY BE USED FOR A  
COUNSELING, WARNING OR REPRIMAND**

THIS IS A ☒ COUNSELING  
☐ WARNING  
☐ REPRIMAND

Employee Name

McMillan, Terri

State the facts of the performance or work conduct problem:

FAILURE TO ATTEND MANDATORY  
STAFF meeting ON July 26, 2006 AT  
1:00 pm IN THE CONTROL ROOM. FUTURE  
ACTIONS OF THIS NATURE CAN RESULT IN A MORE STRINGENT  
CONSEQUENCE OF DISCIPLINE.

State what actions have been taken with the employee prior to this step of discipline (include counseling, coaching, and/or any disciplinary step):

STAFF WAS GIVEN A LETTER OF WARNING FOR  
THE SAME INCIDENT IN THE PAST.

State how the situation can be resolved based on discussion with employee and input from the employee:

If a corrective action plan is developed in conjunction with the discipline, include the time frame that is being monitored for change in performance and the follow-up meeting date:

STAFF SAYS THAT WILL COME TO STAFF meeting  
AND ON TIME. Time frame / NEXT meeting.

Supervisor's Signature: [Signature]

Employee's Signature: STAFF REFUSED SIGN

Date of Meeting 8/9/06

Employee's signature denotes discussion not necessarily agreement. The employee may add comments which must be attached to this form. The form must be given to the employee with copies to the supervisory file and Personnel Office file in the agency.

003536



8 JAN 2007

MR. WEATHERS by informs me (Mr. [redacted] ~~that~~ THAT MS. McMillian called to say THAT SHE needed to be off Friday + Saturday due to death in her family. I later called Ms. McMillian. IN Talking to her, she said THAT one of her Uncle had died. THAT SHE needed to be off Friday + Saturday to attend the funeral. I told her to fill-out a leave slip requesting Fri + Saturday off.

003517



LATE FOR START

Meeting March 23, 2007

1:55 pm

003548

4/19/2007  
Date mailed

SEE REVERSE SIDE FOR OPENING INSTRUCTIONS

10184141

STATE OF ALABAMA  
MONTGOMERY, AL 36130

30197

021 ITUNMM 04/16/07 77406373  
TERA A MCMILLIAN  
4110 FITZPATRICK BLVD  
APT 1003  
MONTGOMERY AL 36116

003561

9/19/07

Spoke to ms. W. SPAWN  
& MRS. AL Bright in reference  
to MS. McMillan about  
her being on FMLA and  
when ~~then~~ she is due  
to return to work. MS.  
SPAWN informed me that  
according to the Prefere work  
that she had, MS McMillan  
is to return to work on  
October 15, 2007.

S. Que

003564

## STATEMENT

September 15, 2007

On August 29, 2007 I (Mr. Lee) entered the unit at approximately 5:30 PM to meet with the 3<sup>rd</sup> shift. Ms. McMillian mentioned that her mother needed surgery. Her mother's doctor had someone to cancel and that her mother would have surgery on September 12, 2007, September 26, 2007. However, Ms. McMillian was scheduled to work on September 12, 2007, and training September 26, 2007. I (Mr. Lee) told Ms. McMillian to submit a leave request and I would check the work schedule. Ms. McMillian submitted a leave request on September 7, 2007. I spoke with Ms. McMillian by phone September 10, 2007 in reference to her leave request for September 12, 2007. Ms. McMillian informed me that was the day of her mother's surgery. She also informed me that she had already been to training. I (Mr. Lee) told Ms. McMillian that her leave request was approved. I told Ms. McMillian, I remembered her saying something about being off for her mother's surgery but I couldn't recall the dates. I (Mr. Lee) worked Ms. McMillian's shift on September 12, 2007, 10PM - 6AM. Ms. McMillian called the unit the day of her mother's surgery September 12, 2007. The staff on duty (Ms. Whitted) called me (Mr. Lee) at home at 7:30 PM. I called Ms. McMillian once I got to the unit after a surprise dorm search by Mr. White, Ms. Linden, and security. I called Ms. McMillian after completion of the dorm search approximately 10:45 PM. I left a message that I was returning her call. Thursday morning September 13, 2007 around 7:30 AM I again called Ms. McMillian to return her call from the night before. This time I was able to speak with Ms. McMillian. Ms. McMillian told me that she had been in a car accident, and wasn't able to come to work September 13, 2007. She also stated that she had to return to the doctor to find out when she could return to work. Ms. McMillian also stated that she had a doctor's excuse and that she would call me back Friday September 14, 2007. I (Mr. Lee) worked the First Shift Friday September 14, 2007 6 AM - 2 PM. Ms. McMillian didn't call. At approximately that evening Ms. McMillian called the unit to say that she wouldn't be in to work that Friday September 14, 2007. Mr. Grammer staff on duty September 14, 2007 called to inform me that Mr. White had called to inform him that Ms. McMillian called him (Mr. White) to say that she had a doctor's excuse from work for 30 days. I tried to call Ms. McMillian on the morning of September 15, 2007, however, there was no answer. Ms. Griner worked a double shift September 14, 2007. I (Mr. Lee) worked September 15, 2007, 6 AM - 2PM for Ms. Griner. I also called Mr. White to inform him.

003565

## CONTACT WITH STAFF

UNIT I TuDATE 20 JAN 2006

I, Sylvester Lee, SPOKE WITH MR. ORMS MEMILIAN TERA ON THE ABOVE DATE AND DISCUSSED THE FOLLOWING: INSUBORDINATION  
"MAN YOU MUST BE TRIPPING" ON 20 JAN 2006 MS. MEMILIAN CALLED ME AT HOME FROM WORK AT AROUND 11 PM. SHE STATED THAT HER MOTHER WAS SICK AND DISABLED AT HOME WITH HER SON. MS. MEMILIAN SAID THAT SHE HAD TO LEAVE WORK. I (MR. LEE) ASKED MS. MEMILIAN WAS HER MOTHER SICK BEFORE SHE LEFT HOME FOR WORK. DID HER MOTHER HAD TO GO TO THE HOSPITAL? IF SHE DID IT WOULD NEED A SLIP FROM THE HOSPITAL EMERGENCY ROOM. MS. MEMILIAN REPLIED "MAN YOU MUST BE TRIPPING" AS YOUR SUPERVISOR I HAVE THE RIGHT TO QUESTION YOUR REQUESTS TO BE RELIEVED FROM DUTY IN WHICH YOU WERE SCHEDULED TO PERFORM. I WILL NOT TOLERATE YOUR INSUBORDINATION TOWARD ME AS YOUR IMMEDIATE SUPERVISOR.

Sylvester Lee  
 UNIT MANAGER (SIGNATURE)

STAFF Refused To Sign  
 STAFF MEMBER (SIGNATURE)

DATE 30 Jan 2006

0040-7

4320

2/4/06

To Whom it may Concern:

On the night of Question, Mrs. McMillian and Mr. Lee had a small argument on the phone concerning a family emergency. Words were passed, Mrs. McMillian started to become upset but she did gain control of herself and proceed with the conversation. I do believe that Mrs. McMillian or Mr. Lee did not intend to disrespect each other and they did not.

Just M. Hamner

003495

On Feb 1, 2006 I (Mr Washington) received a phone call from Ms McMillian about 5<sup>55</sup>pm stating that she would not be able to come to work on the 10-6 shift because her mother was in the hospital. I (Mr Washington) acknowledge Ms McMillian and told her that I would page the unit manager. Mr Lee at 6<sup>00</sup>pm the unit manager was paged and notified of the situation.

Vincent Washington  
2-1, 2006

004318

4318

3 Feb 2006

I spoke with Mrs. McMillan this morning at work. I asked her how was her mother doing. She responded that her mother was doing much better. She said the doctors thought that her mother had had another stroke. Her mother's blood pressure was elevated along with her blood count (sugar). I told Mrs. McMillan that I could not contact her on the night of 1 Feb 2006 (Wed).

I (Mr. Lee) worked the 3rd ~~shift~~ shift (10pm - 6am). Mrs. McMillan called the Unit control room on 1 Feb 2006 to say that she would not be in for work. (SEE MR. WASHINGTON Statement). I also told Mrs. McMillan that I attempted to call her on the morning of 2 Feb 2006 to find out she would be to work that night.

(10pm - 6am 2 Feb 2006 Thursday) but no success. I informed Mrs. McMillan that in the future she needed to leave a phone number where she would be reached if she wasn't coming to work. End of conversation. Mrs. McMillan thanked me for my concern.

Robert Lee Jr.

004517

4314



9 Feb 2006 Approximately 1: PM

MS. McMillan called in  
mother at Baptist Emergency  
Room.

Scheduled to work 10-6

Webster worked in her  
place.

Webster was suppose to  
be off for Holiday, given

from Annual Training on  
23 Feb 2006.

003494

Feb. 10, 2006

At approx 3:30pm, M.P. M<sup>rs</sup> William called the unit to say that she would not be coming in to work. She asked me to notify Mr. Lee and let him know, she also said "If he has any questions about it, he can call me at home".

I asked if he had her home number and she said that he did.

Felicia Whitted

STAFF WAS ~~already~~ already scheduled to be off for Holiday. M<sup>rs</sup>. M<sup>rs</sup> M. Williams along with all other STAFF and given a copy off work schedule. All STAFF are also notified if a Holiday is taken back prior to day of duty. M<sup>rs</sup>. M<sup>rs</sup> Williams called in on 9 Feb 2006, to say that her mother was 084315

11 Feb 2004

Called MS. McMillian approximately 10AM from office phone at work. Site was in home. I spoke with her Grandmother and asked her to have MS. McMillian call me at work (control room). At approximately 11AM MS. Griner came from control room to inform me that I had a phone call. MS. Griner stated that she thought it was MS. McMillian, she didn't know for sure. I spoke with MS. McMillian. ~~that~~ She said that was returning my call. I asked was she coming to work tonight. MS. McMillian replied that she was coming to work.

~~the~~ calls ~~to~~ (my voice) recorded.

003492

2/14/04

At 4:10pm I Felicia Hitted answered a call from staff Mr. McMillan, she called stating that she did not feel well and she would not be in to work her scheduled shift.

Mr. Lee was paged shortly after, when he called I informed him of the situation.

Mr. Lee said that he would call her and request a doctor's excuse, ~~he~~ he then called back to say that he had spoke to Mr. McMillan requesting a doctor's excuse when she returned to work.

Felicia Hitted

003496

Daily Time & Attendance Report  
INTENSIVE TREATMENT UNIT (ITU)

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date:	Signature
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked			
Alexander, Johnson	GA	2p			8		12-30-05	J. Alexander
Chriske, Donald								
Griner, Syreeta	2 <sup>00</sup>	10 <sup>00</sup>			8			S. J.
Hall, Vanessa	1 <sup>00</sup>	2 <sup>00</sup>			8			V. Hall
Hammond, Jacob	10 <sup>00</sup>	6 <sup>00</sup>			8			J. Hammond
Hood, Elijah				8	H			
Hughes, Jason	2 <sup>00</sup>	11 <sup>00</sup>			9.30			J. Hughes
Johnson, Martha								
Jones, Sammie L.	6 AM	1 <sup>15</sup> PM	.45	H	7.15			Sammie Jones
Lee, Sylvesta (UM)	8:00 AM	4:30 PM			8.5			Sylvesta Lee
McMillian, Tera	11	6	1	H	7			Tera McMillian

Washington, A

Webster, Greg

M &amp; M. 11 AM 1 Hour

Whitted, Felic

LATE FOR WORK

OVERT SLEPT

(11 PM)

- Place in
  - Please
  - It is the
- 12/30/05
- overtime form accompanies this sign-in sheet.

authorization to work

## Leave Codes:

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

003533

MS. McMillian

4/27/06

Work late

11:30 PM

MR. WEA Detained Mr. Hammond

22 Jan 06  
MS. McMillian  
10:55 PM  
Late for work

MS. McMillian

Work late

10:46 PM

10/28/06

10 Jan 2007 10 PM  
Informed MS. McMillian  
to fill out leave slip  
requesting days that  
she needed to be off

003558

Form 13

## EMPLOYEE PERFORMANCE APPRAISAL

Revised (01/2006)

STATE OF ALABAMA

Personnel Department

Employee Name: TERA A MCMILLIANSocial Security Number: XXX-XX-8111Agency: 021/YOUTH SERVICES

Division:

Classification: YOUTH SERVICES AIDEClass Code: 60801 Position #: 04345008Period Covered From: 03/01/2006 To: 03/01/2007Annual Raise Effective: MAY 2007

**APPRAISAL SIGNATURES:** Signatures are to be provided after the form has been completed. Signatures denote supervisor and employee discussion and receipt of form. Employee signature does not denote agreement. All signatures are mandatory.

Rating Supervisor	Employee	Reviewing Supervisor
SSN <u>XXX-XX-7439</u>		SSN <u>XXX-XX-</u>
<u>Sylvester Lee Jr</u> Rater Signature	<u>Tera McMillian</u> Employee Signature	<u></u> Reviewer Signature
<u>Sylvester Lee Jr</u> Rater Printed Name	<u>02/12/2007</u> Date	<u></u> Reviewer Printed Name
<u>2/12/2007</u> Date		<u></u> Date
<u></u> Initial if comments attached	<u></u> Initial if comments attached	<u></u> Initial if comments attached

**PERFORMANCE APPRAISAL SCORE:** Locate the Responsibility Score on the back of this form and write it in the appropriate space. Locate the Disciplinary Score, also on the back of this form, and write it in the appropriate space. The Disciplinary Score is subtracted from the Responsibility Score to derive the Performance Appraisal Score. Mandatory documentation is to be maintained in the agency's personnel files if a "Does Not Meet" or "Consistently Exceeds" rating is given.

27 - 0 = 27  
 Responsibility Score Disciplinary Score Performance Appraisal Score

This employee's work:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does Not Meet Standards (6.6 or below)	Partially Meets Standards (6.7 - 16.6)	Meets Standards (16.7 - 26.6)	Exceeds Standards (26.7 - 36.6)	Consistently Exceeds Standards (36.7 - 40)

**WORK HABITS:** Check the appropriate space for each Work Habit area. Work Habits pertain to conduct occurring in this Appraisal period. Provide an explanation below for marking any work habit as "Unsatisfactory." Attach additional sheets if necessary. No disciplinary action has to be taken to mark a Work Habit "Unsatisfactory."

	Unsatisfactory	Satisfactory
Attendance	<u></u>	<u>✓</u>
Punctuality	<u>✓</u>	<u>LATE 3 Times</u>
Cooperation with Coworkers	<u></u>	<u>✓</u>
Compliance with Rules	<u></u>	<u>✓</u>

003539



When viewing the table consider the steps a DYS employee follows when arriving to and departing from work.

Step 1: Drive through a security gate where a guard manually enters the time on a log.

Step 2: Find a parking spot and walk to the ITU dormitory.

Step 4: Sign the Daily Time & Attendance Report

Estimated time: 3 minutes

Name	Gate In	Gate Out	Bates	Dorm In	Dorm Out	Bates	Date
Webster G.	10:10pm	2:08pm	002515	10pm	6am	001079	3/2/06
Washington V.	2:10pm	10:00pm	002539	2pm	10pm	001024	3/4/06
Washington V.	2:02pm	9:59pm	002645	2pm	10pm	001047	3/13/06
Hammond J.	2:05pm	10:06pm	002661	2pm	10pm	001050	3/16/06
Webster G.	10:55pm	6:07pm	002670	10pm	2pm	001050	3/16/06
Hammond J.	10:04pm	-----	002676	10pm	2pm	001051	3/17/06
Johnson, M	2:10pm	10:05pm	002690	2pm	10pm	001012	3/18/06
Hammond J.	2:05pm	6:03am	002700	2pm	10pm	001013	3/19/06
Hood E.	2:00pm	10:11pm	002749	2pm	10pm	001016	3/24/06
Washington V.	2:00pm	10:07pm	002766	2pm	10pm	001017	3/25/06
Griner S.	6:00am	2:07pm	002772	6am	2pm	001018	3/26/06
Hall V.	5:37am	8:26am	002796	6am	2pm	001021	3/29/06
Johnson M	1:50pm	7:05pm	002798	2pm	10pm	001021	3/29/06
Hammond J.	10pm	-----	002808	10pm	6am	001023	3/31/06
Hall, V	5:45am	11:50am	002161	6am	2pm	000997	4/1/06
Hammond J.	10:05pm	6:05am	002161	10pm	6am	000997	4/1/06
Hammond J.	2:00pm	9:59pm	002173	2pm	10pm	000998	4/2/06
Johnson M	2:00pm	10:05pm	002175	2pm	10pm	000998	4/2/06
Washington V.	2:01pm	8:20pm	002179	2pm	8pm	000998	4/2/06
Washington V.	2:00pm	10:13pm	002191	2pm	10pm	001000	4/4/06
Washington V.	2:00pm	9:55pm	002203	2pm	10pm	001001	4/5/06
Whitted F.	1:26pm	8:10pm	002204	2pm	10pm	001001	4/5/06
Griner S.	7:50am	-----	002209	6am	2pm	001002	4/6/06
Hammond J.	2:08pm	8:05pm	002245	2pm	10pm	001005	4/9/06
Griner S.	6:54am	11:45am	002245	6am	2pm	001005	4/9/06
Washington V.	8:00pm	1:03pm	002251	2pm	10pm	001005	4/9/06
Griner S.	6:10am	2:10pm	002293	6pm	2pm	001011	4/15/06
Hammond J.	10:02pm	-----	002293	10pm	6am	001011	4/15/06
Hall V.	5:46am	1:40pm	002293	6am	2pm	001011	4/15/06
Hammond J.	10:59pm	5:55am	002305	10pm	6am	000982	4/16/06
Hammond J.	10:10pm	5:50am	002317	10pm	6am	000983	4/17/06
Washington V.	2:03pm	10:09pm	002323	2pm	10pm	000983	4/17/06
Hammond J.	10:03pm	-----	002341	10pm	6am	000985	4/19/06
Hammond J.	-----	10:00pm	002353	2pm	10pm	000987	4/21/06
Hammond J.	10:03pm	-----	002365	10pm	6pm	000988	4/22/06
Washington V.	2:01pm	10:06pm	002383	2pm	10pm	000989	4/23/06
Whitted F.	1:20pm	9:11pm	002384	2pm	10pm	000989	4/23/06
Johnson M	-----	9:52pm	002391	2pm	10pm	000990	4/24/06
Washington V.	2:00pm	10:00pm	002395	2pm	10pm	000990	4/24/06
Webster G.	10:45pm	6:16am	002430	10pm	6am	000992	4/26/06
Webster G.	9:50pm	11:40pm	002342	10pm	6am	000993	4/27/06
Griner S.	2:10pm	5:25pm	002437	2pm	10pm	000994	4/28/06
Hammond J.	10:00pm	-----	002437	10pm	6am	000994	4/28/06
Hammond J.	10:05pm	6:00am	002449	10pm	6am	000995	4/29/06



# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Date: 3-2-06

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson	6:15	2p			8	<i>[Signature]</i>	
Chriske, Donald		TRAINING			8		
Griner, Syreeta							
Hall, Vanessa	6:00	2:00			8	<i>V. Hall</i>	
Hammond, Jacob	7:00	10:00			8	<i>J. Hammond</i>	
Hood, Elijah	2:00 pm	8:00 pm	2.0	H	6.	<i>E. Hood</i>	
Hughes, Jason							
Johnson, Martha							
Jones, Sammie L.							
Lee, Sylvesta (UM)	6:00 am	2:00 pm			8	<i>Sylvesta Lee</i>	
McMillian, Tera	10	6			8	<i>Tera McMillian</i>	
Washington, Vincent							
Webster, Greg	10pm	6am			8	<i>Greg Webster</i>	
Whitted, Felicia	2pm	10pm			8	<i>F. Whitted</i>	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

001079

# Daily Time & Attendance Report INTENSIVE TREATMENT UNIT (ITU)

CONFIDENTIAL

Sat. Sun. Mon. Tue. Wed. Thur. Fri. Date: 3-4-06

Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature
Alexander, Johnson						
Chriske, Donald						
Griner, Syreeta	6 <sup>00</sup>	2 <sup>00</sup>			8	S. J.
Hall, Vanessa	6 <sup>00</sup>	2 <sup>00</sup>			8	V. Hall
Hammond, Jacob			8	H		
Hood, Elijah	10 <sup>00</sup> pm	6 <sup>00</sup> am			8	E. Hood
Hughes, Jason			8	H		
Johnson, Martha	2 <sup>00</sup> pm	10 <sup>00</sup> pm			8	M. Johnson
Jones, Sammie L. (UM)	6 am	2 pm			8	M. Jones
McMillian, Tera	10	6			8	Tera McMillian
Washington, Vincent	2	10			8	V. Washington
Webster, Greg						
Whitted, Felicia	8 pm	2 pm	2	H	6	F. Whitted

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

001024

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat.	Sun.	<u>Mon.</u>	Tue.	Wed.	Thur.	Fri.	Date: 3-18-26
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson			8	H		J. Alexander	
Chriske, Donald		6 <sup>00</sup>	2 <sup>00</sup>		8	chriske	
Griner, Syreeta		8 <sup>00</sup>	8 <sup>00</sup>	2	Sick	6	S. Griner
Hall, Vanessa							
Hammond, Jacob		10 <sup>00</sup>	6 <sup>00</sup>		8	J. Hammond	
Hood, Elijah							
Hughes, Jason		2 <sup>00</sup>	10 <sup>00</sup>		8	J. Hughes	
* Johnson, Martha							
Jones, Sammie L.		6 <sup>00</sup> AM	2 <sup>00</sup> PM		8	Sammie L. Jones	
Lee, Sylvesta (UM)		6 <sup>00</sup> AM	2 <sup>00</sup> PM		8	Sylvesta Lee	
McMillian, Tera							
Washington, Vincent		2	10		8	Vincent Washington	
Webster, Greg		10 <sup>00</sup> PM	6 <sup>00</sup> AM		8	Greg Webster	
Whitted, Felicia							

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

601047

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date: 16 Apr 08
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson	6:00	2:00			8	J. Alexander	
Chriske, Donald	6:00	3:00 PM			9	Chriske	
Griner, Syreeta							
Hall, Vanessa	6:00	2:00			8	V. Hall	
Hammond, Jacob	7:00	10:00			8	J. Hammond	
Hood, Elijah			TRAINING		8		
Hughes, Jason							
Johnson, Martha							
Jones, Sammie L.							
Lee, Sylvesta (UM)	8:00 AM	6:30 PM			12.5	Sylvesta Lee	
McMillian, Tera	10	6			8	Tera McMillian	
Washington, Vincent							
Webster, Greg	10:00 AM	6:00 AM			8	G. Webster	
Whitted, Felicia	2	10			8	F. Whitted	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

001050

# Daily Time & Attendance Report INTENSIVE TREATMENT UNIT (ITU)

Date: 3/17/06

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson	6 <sup>45</sup>	2 <sup>00</sup>			8	<i>J. Alexander</i>	
Chriske, Donald							
Griner, Syreeta	2	8	(2)	(A)	6	<i>S. Griner</i>	
Hall, Vanessa	6	2			8	<i>V. Hall</i>	
Hammond, Jacob	10 <sup>00</sup>	6 <sup>00</sup>			8	<i>J. Hammond</i>	
Hood, Elijah			Training		8		
* Hughes, Jason							
* Johnson, Martha							
Jones, Sammie L.	6 <sup>00</sup> AM	2 <sup>00</sup> PM	—	—	8	<i>M. Jones</i>	
Lee, Sylvesta (UM)	5:20 <sup>20</sup> AM	10 <sup>30</sup> AM			5.5	<i>Sylvesta Lee</i>	
McMillian, Tera	10	6			8	<i>Tera McMillian</i>	
Washington, Vincent	2	10			8	<i>V. Washington</i>	
Webster, Greg							
Whitted, Felicia	2 <sup>00</sup> PM	10 <sup>00</sup> PM			8	<i>F. Whitted</i>	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

001051

## DAILY TIME &amp; ATTENDANCE REPORT

ITU

Sat Sun. Mon. Tue. Wed. Thur. Fri.

Date

18 MAR 2006

Name	In	Out	Off	Leave hrs taken	Leave Code	Total hrs wkr	Signature
Chriske, Donald							
Griner, Syreeta	6:00	2:00				8	S. J. —
Hall, Vanessa	6:00 6pm	10A 10pm				8	V. Hall
Hammond, Jacob	7:00	10:00				8	J. Hammond
Hood, Elijah				8	H		
Johnson, Martha	7:00 7am	10:00 10am				8	M. Johnson
Jones, Sammie	6AM	2pm	—	—	—	8	Mrs. Jones
McMillian, Tera	10	6				8	Mrs. McMillian
Washington, Vincent	2	10				8	Washington
Webster, Gregory							
Whitted, Felicia	10:00	6pm				8	F. Whitted

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A-Annual  
J-Jury

S-Sick  
M-Military

H-Holiday  
P-Personal

C-Comp  
B-Blood

001012

# DAILY TIME & ATTENDANCE REPORT

## ITU

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date Mar 19-00

Name	In	Out	Off	Leave hrs taken	Leave Code	Total hrs wkr	Signature
Chriske, Donald	6 <sup>00</sup>	2 <sup>00</sup>				8	Chriske
Griner, Syreeta	6 <sup>00</sup>	2 <sup>00</sup>				8	S. Griner
Hall, Vanessa							
Hammond, Jacob	9 <sup>00</sup>	10 <sup>00</sup>				8	J. Hammond
Hood, Elijah							
Johnson, Martha	2 <sup>00</sup>	10 <sup>00</sup>				8	Martha Johnson
Jones, Sammie				8	H		
McMillian, Tera	10	6				8	Tera McMillian
Washington, Vincent	8am	8pm				12	Washington
Webster, Gregory	10pm	6am				8	G. Webster
Whitted, Felicia							

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A-Annual  
J-Jury

S-Sick  
M-Military

H-Holiday  
P-Personal

C-Comp  
B-Blood

001013

# DAILY TIME & ATTENDANCE REPORT

## ITU

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date 3-24-06

Name	In	Out	Off	Leave hrs taken	Leave Code	Total hrs wkr	Signature
Chriske, Donald							
Griner, Syreeta	1230	830	/	/	/	8	S-J
Hall, Vanessa	6 <sup>00</sup>	1 <sup>00</sup> pm		1	H	7	V. Hall
Hammond, Jacob	10 <sup>00</sup>	6 <sup>00</sup>				8	J. Hammond
Hood, Elijah	7 <sup>00</sup> pm	10 <sup>00</sup> pm				8	E. Hood
Johnson, Martha							
Jones, Sammie				8	H		
McMillian, Tera	10	6				8	Tera McMillian
Washington, Vincent							
Webster, Gregory							
Whitted, Felicia	2p	10p				8	F. Whitted
Alexander, Johnson	6A	2p				8	J. Alexander
Lee, Sylvesta	6 <sup>00</sup>	3 <sup>00</sup> pm				9	Sylvesta Lee

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A-Annual  
J-Jury

S-Sick  
M-Military

H-Holiday  
P-Personal

C-Comp  
B-Blood

001016



# DAILY TIME & ATTENDANCE REPORT

## ITU

Sat. Sun. Mon. Tue. Wed. Thur. Fri.

Date 3-25-06

Name	In	Out	Off	Leave hrs taken	Leave Code	Total hrs wkr	Signature
Chriske, Donald							
Griner, Syreeta	6:00	2:00				8	Syreeta
Hall, Vanessa						8	V. Hall
Hammond, Jacob	10:00	6:00				8	J. Hammond
Hood, Elijah				8	H		
Johnson, Martha	7:00	10:00				8	M. Johnson
Jones, Sammie	12:00	2:00				8	Sammie Jones
McMillian, Tera	10	6				8	Tera McMillian
Washington, Vincent	2	10				8	V. Washington
Webster, Gregory							
Whitted, Felicia				2	H	6	F. Whitted

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A-Annual  
J-Jury

S-Sick  
M-Military

H-Holiday  
P-Personal

C-Comp  
B-Blood

001017

## DAILY TIME &amp; ATTENDANCE REPORT

ITU

Sat. Sun. Mon. Tue. Wed. Thur. Fri.Date 3-26-06

Name	In	Out	Off	Leave hrs taken	Leave Code	Total hrs wkr	Signature
Chriske, Donald	6 <sup>00</sup>	2 <sup>00</sup>				8	Chriske
Griner, Syreeta	6 <sup>00</sup>	2 <sup>00</sup>				8	SG
Hall, Vanessa							
Hammond, Jacob	7 <sup>00</sup>	8 <sup>00</sup>				8	J. Hammond
Hood, Elijah							
Johnson, Martha	9 <sup>00</sup>	10 <sup>00</sup>				8	M. Hood
Jones, Sammie	6 <sup>AM</sup>	2 <sup>PM</sup>	-	-	-	8	M. Jones
McMillian, Tera				8	H		
Washington, Vincent	2 <sup>00</sup>	10				8	Washington
Webster, Gregory	10 <sup>PM</sup>	6				8	G. Webster
Whitted, Felicia							
Lee, Sylvester	10 <sup>PM</sup>	7 <sup>AM</sup>				9	Sylvester Lee

1. Place in the business office box daily.
2. Please submit appropriate leave slip with this sign-in sheet
3. It is the responsibility of the Unit Manager to make sure that the leave slip and authorization to work overtime form accompanies this sign-in sheet.

Leave Codes:

A-Annual  
J-Jury

S-Sick  
M-Military

H-Holiday  
P-Personal

C-Comp  
B-Blood

001018

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date: 29 Mar 06
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson	6A	2P			8	J. Alexander	
Chriske, Donald	6 <sup>00</sup> A	2 <sup>00</sup> P			8	chriske	
Griner, Syreeta			Training		8		
Hall, Vanessa	6 <sup>00</sup>	2 <sup>00</sup>			8	VL Hall	
Hammond, Jacob							
Hood, Elijah							
Johnson, Martha	2 <sup>00</sup> pm	10 <sup>00</sup> pm			8	M. Johnson	
Jones, Sammie L.							
Lee, Sylvesta (UM)	1:00 PM	10:00 PM			9	Sylvesta Lee	
McMillian, Tera	10	6			8	Tera McMillian	
Washington, Vincent			Training		8		
Webster, Greg	10pm	6am			2	Greg Webster	
Whitted, Felicia	2pm	10pm			8	F. Whitted	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:** A - Annual S - Sick C - Comp H - Holiday  
J - Jury M - Military P - Personal

# **Daily Time & Attendance Report** **INTENSIVE TREATMENT UNIT (ITU)**

Date: 31 Mar 06

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature
			6A	2p			Alexander, Johnson					8	[Signature]
							Chriske, Donald						
				Training			Griner, Syreeta					8	S-J
			6 <sup>00</sup>	2 <sup>00</sup>	2	H	Hall, Vanessa					6	[Signature]
			10 <sup>00</sup>	6 <sup>00</sup>			Hammond, Jacob					8	J. Hammond
			2 <sup>00</sup> pm	10 <sup>00</sup> pm			Hood, Elijah					8.0	E. Hood
							Johnson, Martha						
			6A	2pm			Jones, Sammie L.					8	[Signature]
			2:00 pm	8 pm			Lee, Sylvesta (UM)					6	[Signature]
			10	4			McMillian, Tera					8	Tera McMillian
				TRAINING			Washington, Vincent					8	
							Webster, Greg						
			2p	10p			Whitted, Felicia					8	F. Whitted

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**    A - Annual    S - Sick    C - Comp    H - Holiday  
                      J - Jury       M - Military    P - Personal

001023

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Date: April 1, 2006

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson							
Chriske, Donald							
Griner, Syreeta	6	2			8	Syreeta	
Hall, Vanessa	6 <sup>00</sup>	2			8	V. Hall	
Hammond, Jacob	10 <sup>00</sup>	6 <sup>00</sup>			8	J. Hammond	
Hood, Elijah			8	H			
Johnson, Martha	7 <sup>45</sup> AM	10 <sup>00</sup> AM			8	M. Johnson	
Jones, Sammie L.	10 AM	2 PM	—	—	8	M. Jones	
Lee, Sylvesta (UM)							
McMillian, Tera	10	6			8	Tera McMillian	
Washington, Vincent	2	10			8	V. Washington	
Webster, Greg							
Whitted, Felicia	12 PM	8 PM			8	F. Whitted	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

000007

J - Jury

M - Military

P - Personal

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Date: April 2, 2006

Sat.	<u>Sun.</u>	Mon.	Tue.	Wed.	Thur.	Fri.	
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson							
Chriske, Donald	6:00	2:00			8	<i>Chriske</i>	
Griner, Syreeta	6:00	2:00			8	<i>S. Griner</i>	
Hall, Vanessa							
Hammond, Jacob	2:00	10:00			8	<i>J. Hammond</i>	
Hood, Elijah	1:00 pm	6:00 am			8.0	<i>E. Hood</i>	
Johnson, Martha	2:00	10:00 pm			8	<i>M. Johnson</i>	
Jones, Sammie L.	6:00 am	2:00 pm			8	<i>M. Jones</i>	
Lee, Sylvesta (UM)							
McMillian, Tera	10	6			8	<i>Tera McMillian</i>	
Washington, Vincent	2	8	2	S	6	<i>Washington</i>	
Webster, Greg			8	M			
Whitted, Felicia							

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**    A - Annual    S - Sick    C - Comp    H - Holiday  
                      J - Jury       M - Military    P - Personal

000000

**Daily Time & Attendance Report**  
**INTENSIVE TREATMENT UNIT (ITU)**

Sat.	Sun.	Mon.	<u>Tue</u>	Wed.	Thur.	Fri.	Date: April 4, 2006	
Name			In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature
Alexander, Johnson			6a	2p			8	J. Alexander
Chriske, Donald			8 <sup>30</sup> A	2 <sup>00</sup> P	2.5	S	5.5	chriske
Griner, Syreeta								
Hall, Vanessa					8	P		
Hammond, Jacob			7 <sup>00</sup>	8 <sup>00</sup>	2	H	6	J. Hammond
Hood, Elijah			10	6			8	E. Hood
Johnson, Martha					8	S		
Jones, Sammie L.			6 AM	2 pm	—	—	8	Mr. Jones
Lee, Sylvesta (UM)			6 AM <del>1:30 PM</del>	9 AM 10 PM			11.5	Sylvesta Lee
McMillian, Tera								
Washington, Vincent			2	10			8	Washington
Webster, Greg			10 <sup>00</sup> AM	6 AM			8	Greg Webster
Whitted, Felicia			2	10			8	F. Whitted

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

001000

**Daily Time & Attendance Report**  
**INTENSIVE TREATMENT UNIT (ITU)**

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date: April 5, 2008
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson	6:12	2p			8	[Signature]	
Chriske, Donald	6 <sup>00</sup> A	2 <sup>00</sup> P			8	[Signature]	
Griner, Syreeta							
Hall, Vanessa	6 <sup>00</sup>	2 <sup>00</sup>			8	[Signature]	
Hammond, Jacob							
Hood, Elijah							
Johnson, Martha	2 <sup>00</sup> pm	10 <sup>00</sup> pm			8	[Signature]	
Jones, Sammie L.							
Lee, Sylvesta (UM)	1:00 pm	4:00 pm			3	[Signature]	
McMillian, Tera	10	6			8	[Signature]	
Washington, Vincent	2	10			8	[Signature]	
Webster, Greg	10 pm	6 pm			8	[Signature]	
Whitted, Felicia	2p	10p			8	[Signature]	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

001001



# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date: April 6, 2006
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson	6:00	2p			8	J. Alexander	
Chriske, Donald			8	H			
Griner, Syreeta	6:00	2:00			8	S. Griner	
Hall, Vanessa	6:00	12:30	1 1/2 S	S	6 1/2	V. Hall	
Hammond, Jacob	8:00	8:00			8	J. Hammond	
Hood, Elijah							
Johnson, Martha							
Jones, Sammie L.							
Lee, Sylvesta (UM)	2:00 pm	8:00 pm			6	Sylvesta Lee	
McMillian, Tera	10	6			8	Tera McMillian	
Washington, Vincent							
Webster, Greg	10pm	6am			8	G. Webster	
Whitted, Felicia	2pm	10pm			8	F. Whitted	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:** A - Annual    S - Sick    C - Comp    H - Holiday  
 J - Jury    M - Military    P - Personal

001002

# **Daily Time & Attendance Report** **INTENSIVE TREATMENT UNIT (ITU)**

Date: 4/9/06

Sat.	<u>Sun.</u>	Mon.	Tue.	Wed.	Thur.	Fri.	Date:
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson							
Chriske, Donald	6 <sup>00</sup> AM	2 <sup>00</sup> P			8	<i>Chriske</i>	
Griner, Syreeta	6 <sup>00</sup>	2 <sup>00</sup>			8	<i>S-J</i>	
Hall, Vanessa							
Hammond, Jacob	7 <sup>00</sup>	9 <sup>00</sup>	2	H	6	<i>J. Hammond</i>	
Hood, Elijah							
Johnson, Martha	2 <sup>00</sup> PM	10 <sup>00</sup> PM			8	<i>M. Johnson</i>	
Jones, Sammie L.	6 <sup>00</sup> AM	2 <sup>00</sup> PM	—	—	8	<i>M. Jones</i>	
Lee, Sylvesta (UM)	12 <sup>30</sup> PM	3 <sup>30</sup> PM			3	<i>Sylvesta Lee</i>	
McMillian, Tera	10	6			8	<i>Tera McMillian</i>	
Washington, Vincent	2	10			8	<i>Washington</i>	
Webster, Greg	10 <sup>00</sup> PM	6 <sup>00</sup> AM			8	<i>Greg Webster</i>	
Whitted, Felicia							

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**    A - Annual    S - Sick    C - Comp    H - Holiday    001005  
                      J - Jury       M - Military    P - Personal

# **Daily Time & Attendance Report** **INTENSIVE TREATMENT UNIT (ITU)**

Date: 4/15/06

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date:
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson							
Chriske, Donald							
Griner, Syreeta	6:00	2:00			8	S. Griner	
Hall, Vanessa	6:00	2:00			8	V. Hall	
Hammond, Jacob	10:00	6:00			8	J. Hammond	
Hood, Elijah	10:00 pm	6:00 pm	—	—	8.0	E. Hood	
Johnson, Martha	2:00 pm	10:00 pm			8	M. Johnson	
Jones, Sammie L.	6 AM	2 pm	—	—	8	M. Jones	
Lee, Sylvesta (UM)							
McMillian, Tera			8	H			
Washington, Vincent	2	10			8	V. Washington	
Webster, Greg							
Whitted, Felicia	2 pm	8 pm	2	H	6	F. Whitted	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

# **Daily Time & Attendance Report** **INTENSIVE TREATMENT UNIT (ITU)**

Sat.	<u>Sun</u>	Mon.	Tue.	Wed.	Thur.	Fri.	Date: 16 April 06
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson							
Chriske, Donald	6 <sup>00</sup>	2 <sup>00</sup>			8	Chriske	
Griner, Syreeta	6 <sup>00</sup>	2 <sup>00</sup>			8	S-J	
Hall, Vanessa							
Hammond, Jacob	10 <sup>00</sup>	6 <sup>00</sup>			8	Hammond	
Hood, Elijah							
Johnson, Martha	2 <sup>00</sup> pm	10 <sup>00</sup> pm			8	M Johnson	
Jones, Sammie L.	6 am	2 pm			8	Jones	
Lee, Sylvesta (UM)	2 <sup>00</sup> pm	9 <sup>00</sup> am			7	Sylvesta Lee	
McMillian, Tera	10	6			8	Tera McMillian	
Washington, Vincent	2	10			8	Washington	
Webster, Greg				8	S		
X Whitted, Felicia							

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:** A - Annual    S - Sick    C - Comp    H - Holiday  
J - Jury    M - Military    P - Personal

000982

# **Daily Time & Attendance Report** **INTENSIVE TREATMENT UNIT (ITU)**

Date: 9/17/06

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson	6:00	2:00			8	[Signature]	
Chriske, Donald	6:00	2:00			8	[Signature]	
Griner, Syreeta	2:00	8:00	(2)	(A)	6	S. J. e	
Hall, Vanessa							
Hammond, Jacob	10:00	6:00			8	J. Hammond	
Hood, Elijah	10:00	6:00			8	E. Hood	
Johnson, Martha	2:00	10:00			8	[Signature]	
Jones, Sammie L.	6:00	2:00			8	[Signature]	
Lee, Sylvesta (UM)	9:30 AM	4:00 PM			6.5	[Signature]	
McMillian, Tera							
Washington, Vincent	2	10			8	Washington	
Webster, Greg				8	5		
Whitted, Felicia							

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

**000983**

# **Daily Time & Attendance Report** **INTENSIVE TREATMENT UNIT (ITU)**

CONFIDENTIAL

Date: 19 April 06

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date:
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson		6:12	2:12			8	J. Alexander
Chriske, Donald		2:00	10:00			8	Donald Chriske
Griner, Syreeta							
Hall, Vanessa		1:00	2:00			8	V. Hall
Hammond, Jacob		10:00	6:00			8	J. Hammond
Hood, Elijah							
Johnson, Martha		2:00	10:00			8	M. Johnson
Jones, Sammie L.							
Lee, Sylvesta (UM)		6:00	2:30			8.5	Sylvesta L. Lee
McMillian, Tera		10	6			8	Tera McMillian
Washington, Vincent				8	A		
Webster, Greg				8	S		
Whitted, Felicia		8pm	10pm			8	F. Whitted

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

000985

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

CONFIDENTIAL

Date: 4/21/06

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson	6a	2p			8	[Signature]	
Chriske, Donald							
Griner, Syreeta	2:00	9:30	(.30)	(A)	7.30	S-J	
Hall, Vanessa			8	A			
Hammond, Jacob	2:00	10:00			8	J. Hammond	
Hood, Elijah	10p	6a			8		
Johnson, Martha							
Jones, Sammie L.	6am	2pm	—	—	8	[Signature]	
Lee, Sylvesta (UM)	6:00 AM	2:30 PM			8.5	[Signature]	
McMillian, Tera	10	6			8	Tera McMillian	
Washington, Vincent							
Webster, Greg							
Whitted, Felicia	2pm	10pm			8	F. Whitted	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

000987

J - Jury

M - Military

P - Personal



# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date: 4-22-06
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson	6A	2p			8	J. Alexander	
Chriske, Donald							
Griner, Syreeta	800	200	2	A	6	S-J	
Hall, Vanessa			8	A			
Hammond, Jacob	1000	1000			8	J. Hammond	
Hood, Elijah	200 pm	1000 pm	—	—	8.0	E. Hood	
Johnson, Martha	700 pm	1000 pm			8	M. Johnson	
Jones, Sammie L.	6 AM	2 pm	—	—	8	M. Jones	
Lee, Sylvesta (UM)							
McMillian, Tera	10	6			8	T. McMillian	
Washington, Vincent			8	H			
Webster, Greg							
Whitted, Felicia	2pm	10pm			8	F. Whitted	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

000988

**Leave Codes:** A - Annual    S - Sick    C - Comp    H - Holiday  
 J - Jury    M - Military    P - Personal



# **Daily Time & Attendance Report** **INTENSIVE TREATMENT UNIT (ITU)**

CONFIDENTIAL

Sat. Sun. Mon. Tue. Wed. Thur. Fri. Date: 23 ~~Jan~~ 06

Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature
Alexander, Johnson						
Chriske, Donald	6 <sup>00</sup>	2 <sup>00</sup>			8	Chriske
Griner, Syreeta	6 <sup>00</sup>	2 <sup>00</sup>			8	S-Jie
Hall, Vanessa						
Hammond, Jacob	10 <sup>00</sup>	6 <sup>00</sup>			8	J. Hammond
Hood, Elijah						
Johnson, Martha	7 <sup>00</sup>	10 <sup>00</sup>			8	M. Johnson
Jones, Sammie L.	6 <sup>AM</sup>	2 <sup>PM</sup>	—	—	8	M. Jones
Lee, Sylvesta (UM)						
McMillian, Tera	10	6			8	Tera McMillian
Washington, Vincent	2	10			8	Washington
Webster, Greg						
Whitted, Felicia	2 <sup>PM</sup>	10 <sup>PM</sup>			8	F. Whitted

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

000989

**Leave Codes:**    A - Annual    S - Sick    C - Comp    H - Holiday  
                      J - Jury       M - Military    P - Personal

# Daily Time & Attendance Report

## INTENSIVE TREATMENT UNIT (ITU)

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date:
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson		6A 2p			8	<i>[Signature]</i>	7/24/2006
Chriske, Donald			8	H			
Griner, Syreeta		6:00 2:00			8	<i>[Signature]</i>	
Hall, Vanessa							
Hammond, Jacob		2:00 10:00			8	<i>[Signature]</i>	
Hood, Elijah		1:00 pm 6:00 pm			8.0	<i>[Signature]</i>	
Johnson, Martha		2:00 10:00			8	<i>[Signature]</i>	
Jones, Sammie L.		6AM 2pm			8	<i>[Signature]</i>	
Lee, Sylvesta (UM)		6:00 AM 3pm			9	<i>[Signature]</i>	
McMillian, Tera							
Washington, Vincent		2:00 10:00			8	<i>[Signature]</i>	
Webster, Greg		10pm 6am			8	<i>[Signature]</i>	
Whitted, Felicia							

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

000090

# **Daily Time & Attendance Report** **INTENSIVE TREATMENT UNIT (ITU)**

Date: 26 April 2008

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date:
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson		6:15	2:00		8	J. Alexander	
Chriske, Donald		6:00	11:30	2.5	5	Chriske	
Griner, Syreeta							
Hall, Vanessa		6:00	2:00		8	V. Hall	
Hammond, Jacob							
Hood, Elijah							
Johnson, Martha		10:00 Am - 1:00 Pm 2pm	2:00 Pm - 10:00 Pm		11	M. Johnson	
Jones, Sammie L.							
Lee, Sylvesta (UM)		6:00 Am - 2:30 Pm			8.5	Sylvesta Lee	
McMillian, Tera		10:00 Am - 1:00 Pm 10	1:00 Pm - 11:30 Am 6		9.5	Tera McMillian	
Washington, Vincent		10am 2	12am 10		10	Washington	
Webster, Greg		10am 10pm	11:30 Am 6pm		9.5	Webster	
Whitted, Felicia		10:00am 2pm	11:30am 10pm		9.5	F. Whitted	

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

000002

# **Daily Time & Attendance Report** **INTENSIVE TREATMENT UNIT (ITU)**

CONFIDENTIAL

Date: 27 Apr 06

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Date:
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson		6:15	2p			8	J. Alexander
Chriske, Donald		6 <sup>00</sup>	2 <sup>00</sup>			8	Donald Chriske
Griner, Syreeta							
Hall, Vanessa		6 <sup>00</sup>	2 <sup>00</sup>			8	V. Hall
Hammond, Jacob		9 <sup>00</sup>	10 <sup>00</sup>			8	J. Hammond
Hood, Elijah		2 <sup>00</sup> pm	10 <sup>00</sup> pm			8.0	E. Hood
Johnson, Martha							
Jones, Sammie L.							
Lee, Sylvesta (UM)		6 <sup>00</sup> AM	4 <sup>00</sup> PM			10	Sylvesta Lee
McMillian, Tera		1130	600	1.5	A	6.5	T. McMillian
Washington, Vincent							
Webster, Greg		10 pm	10 am			8	G. Webster
Whitted, Felicia		8 pm	10 pm			8	F. Whitted

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

000000

# **Daily Time & Attendance Report** **INTENSIVE TREATMENT UNIT (ITU)**

Date: 4/28/06

Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson			8	P		<i>[Signature]</i>	
Chriske, Donald	11:00	2:00			3	<i>[Signature]</i>	
Griner, Syreeta	2	10			8	<i>[Signature]</i>	
Hall, Vanessa	6:00	3:00			9	<i>[Signature]</i>	
Hammond, Jacob	10:00	6:00			8	<i>[Signature]</i>	
Hood, Elijah	2:00 pm	10:00 pm			8.0	<i>[Signature]</i>	
Johnson, Martha							
Jones, Sammie L.	6:00 AM	2 pm	—	—	8	<i>[Signature]</i>	
Lee, Sylvesta (UM)	6:00 am	5 pm			11	<i>[Signature]</i>	
McMillian, Tera	10	6			8	<i>[Signature]</i>	
Washington, Vincent							
Webster, Greg							
Whitted, Felicia			8	A			

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

000994

**Daily Time & Attendance Report**  
**INTENSIVE TREATMENT UNIT (ITU)**

Date: 4-29-06

Sat	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	
Name	In	Out	Leave Hrs Taken	Leave Code	Total Hrs Worked	Signature	
Alexander, Johnson							
Chriske, Donald							
Griner, Syreeta		9 <sup>00</sup>	2 <sup>00</sup>	(1)	(A)	7	S. J - e
Hall, Vanessa		6 <sup>00</sup>	2 <sup>00</sup>			8	V. Hall
Hammond, Jacob		10 <sup>00</sup>	6 <sup>00</sup>			8	J. Hammond
Hood, Elijah				8	H		
Johnson, Martha		2 <sup>00</sup> PM	10 <sup>00</sup> AM			8	M. Johnson
Jones, Sammie L.		6 AM	2 PM	—	—	8	M. Jones
Lee, Sylvesta (UM)							
McMillian, Tera		10	6 <sup>25</sup>			8.25	Tera McMillian
Washington, Vincent		2	10			8	Washington
Webster, Greg							
Whitted, Felicia		2 PM	10 PM			8	F. Whitted

1. Place in the Business Office box daily.
2. Please submit appropriate Leave Slip with this sign-in sheet.
3. It is the responsibility of the Unit Manager to make sure that the leave slip/authorization to work overtime form accompanies this sign-in sheet.

**Leave Codes:**

A - Annual

S - Sick

C - Comp

H - Holiday

J - Jury

M - Military

P - Personal

000995



3/2/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	I
Taylor, Harry		8:33p					
Taylor, Sonja							
Thaggard, Thomas	1125A	7:35p					
Thomas, Delveeta	7:58A	4:06p					
Thomas, Juan		12:35pm					
Thomas, Kelvin	7:20A	3:50p					
Thompson, Julia	7:37A						
Thompson, Patricia	7:39A	3:49p					
Tillman, Thomas							
Timmons, Eddie		9:35p					
Tolliver, Estelle	8:35A	7:26p					
Townsend-Blair, Jessilyn							
Trimble, Sharon		7:16A	1:05pm				
Trybuch, Edward							
Tucker, Liz	7:53A	1:05A	11:45A	5:43p			
Tucker, Phillip	1:59P	9:43p					
Tyler, James	7:33A	1:59A	12:39A	4:39p			
Tyson, Jimmy							
Uzochukwu, Stanley	8:17A	4:09p					
Vaughn, Barbara							
Walker, Frank	11:27A						
Walker, Roosevelt	7:46A	3:17p					
Washington, Sandra	7:44A	3:59p					
Washington, Vincent							
Webster, Gregory	2:08P	10:10p					
Webster, Lawrence	6:15AM	11:40am					
Wheeler, Monique		9:12A	7:53p				
Wheeler, Scott							

Thompson, EMILY

Thomas, ERIC

4:15p

12:31pm 9:05A 8:05p

11:42pm



3/4/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	I
Taylor, Harry	4 <sup>00</sup> p	11 <sup>42</sup> p					
Taylor, Sonja		2 <sup>14</sup> pm					
Thaggard, Thomas							
Thomas, Delveeta							
Thomas, Juan		12 <sup>14</sup> pm	12 <sup>50</sup> pm	8 <sup>40</sup> p			
Thomas, Kelvin							
Thompson, Julia	10 <sup>45</sup> p						
Thompson, Patricia							
Tillman, Thomas							
Timmons, Eddie							
Tolliver, Estelle							
Townsend-Blair, Jessilyn							
Trimble, Sharon		7 <sup>45</sup> am	11 <sup>06</sup> p				
Trybuch, Edward							
Tucker, Liz							
Tucker, Phillip	2 <sup>03</sup> pm	10 <sup>10</sup> p					
Tyler, James							
Tyson, Jimmy	3 <sup>50</sup> p						
Uzochukwu, Stanley	8 <sup>04</sup> am	10 <sup>10</sup> p					
Vaughn, Barbara							
Walker, Frank							
Walker, Roosevelt							
Washington, Sandra							
Washington, Vincent	2 <sup>10</sup> pm	10 <sup>20</sup> p					
Webster, Gregory							
Webster, Lawrence	8 <sup>25</sup> am	4 <sup>40</sup> p					
Wheeler, Monique		4 <sup>15</sup> p	11 <sup>40</sup>				
Wheeler, Scott							

3/13/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Taylor, Harry	400P						
Taylor, Sonja							
Thaggard, Thomas	740Am	1045A	110Pm	525P			
Thomas, Delveeta		340P					
Thomas, Juan	440P						
Thomas, Kelvin	645A	249P					
Thompson, Julia	1040P						
Thompson, Patricia	77Am	349P					
Tillman, Thomas							
Timmons, Eddie							
Tolliver, Estelle	835A	519P					
Townsend-Blair, Jessilyn	812A	500P					
Trimble, Sharon		716A					
Trybuch, Edward							
Tucker, Liz	1105A	420P					
Tucker, Phillip	158P						
Tyler, James		554P					
Tyson, Jimmy							
Uzochukwu, Stanley							
Vaughn, Barbara	415A	1245Pm					
Walker, Frank		310P					
Walker, Roosevelt	743A	342P					
Washington, Sandra	726A	336P					
Washington, Vincent	202A	959P					
Webster, Gregory	951P						
Webster, Lawrence	.	938P					
Wheeler, Monique		824A					
Wheeler, Scott							

Thompson

524P

3/16/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Gavin, Cleveland	8:00 Am	4:36p					
Gay, Rosalyn	8:08p						
George, Wilma	8:00 Am	2:44p					
Givens, Rakeya							
Glen, Ray							
Golay, Austin							
Golden, Barbara	7:17A	4:37p					
Goshay, Darrell							
Grant, Fred	7:15A	4:15p					
Gray,		4:15p					
Grayson, Charles	2:30p	11pm					
Green, Johnny	7:20 Am	3:37p					
Griffith, Kelley NURSE	7:02A	3:07p					
Griner, Syreeta							
Gullatte, Maurice							
Hails, LaShanda	11:43p						
Hall, Vanessa	5:45A						
Hammond, Jacob	2:05P	10:06p					
Hampton, Kevin		6:55p					
Hampton, Pamela	8:15A	3:56p					
Hanna, Johnny							
Hardley, Marvin							
Hardy, Michael							
Harris, A.T	1:53Pm	10:25p					
Harris, Bessie	8:00 Am	5:15p					
Harris, LaQuanda							
Harris, Lela	5:40A	1:36Pm					
Harris, Rose							
Harris, Sam							

3/16/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Taylor, Harry		1215A					
Taylor, Sonja							
Thaggard, Thomas							
Thomas, Delveeta	735 <sup>am</sup>	350 <sup>p</sup>					
Thomas, Juan							
Thomas, Kelvin	5:15 <sup>am</sup>	244 <sup>p</sup>					
Thompson, Julia		645 <sup>A</sup>					
Thompson, Patricia	714 <sup>am</sup>	341 <sup>p</sup>					
Tillman, Thomas							
Timmons, Eddie							
Tolliver, Estelle	8:30 <sup>am</sup>	520 <sup>p</sup>					
Townsend-Blair, Jessilyn	8:15 <sup>A</sup>	515 <sup>p</sup>					
Trimble, Sharon		730 <sup>am</sup>	1059 <sup>p</sup>				
Trybuch, Edward							
Tucker, Liz	74 <sup>am</sup>	520 <sup>p</sup>					
Tucker, Phillip							
Tyler, James	1030 <sup>A</sup>	555 <sup>p</sup>					
Tyson, Jimmy							
Uzochukwu, Stanley							
Vaughn, Barbara	415 <sup>A</sup>	1215 <sup>am</sup>					
Walker, Frank		320 <sup>p</sup>					
Walker, Roosevelt	744 <sup>am</sup>	245 <sup>p</sup>					
Washington, Sandra	744 <sup>am</sup>	346 <sup>p</sup>					
Washington, Vincent							
Webster, Gregory		1007 <sup>A</sup>	1055 <sup>p</sup>				
Webster, Lawrence	650 <sup>A</sup>						
Wheeler, Monique	341 <sup>p</sup>						
Wheeler, Scott							
THOMPSON		715 <sup>p</sup>					

3/17/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Gavin, Cleveland	827Am	349P					
Gay, Rosalyn							
George, Wilma	745pm	444P					
Givens, Rakeya							
Glen, Ray							
Golay, Austin	411 pm						
Golden, Barbara	720Am	340P					
Goshay, Darrell	750Am	135pm	251P	530P			
Grant, Fred	810Am	1020Am					
Gray,							
Grayson, Charles							
Green, Johnny	720Am	1044Am					
Griffith, Kelley		309P					
Griner, Syreeta	130pm	755P					
Gullatte, Maurice	654Am	300P					
Hails, LaShanda	1143P	835Am					
Hall, Vanessa	538A	150pm					
Hammond, Jacob	1004P						
Hampton, Kevin		817P					
Hampton, Pamela	815Am	920Am	140pm	418P			
Hanna, Johnny							
Hardley, Marvin							
<del>Hardy, Michael</del>							
Harris, A.T	210pm	913P					
Harris, Bessie	753Am	1215pm	12:55P	413P			
Harris, LaQuanda							
Harris, Lela							
Harris, Rose	226pm	1042pm					
Harris, Sam							

Hart

11:03P

3/18/06 Ms Victor

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Joh nson, Arleshia	7:59am	4:10p					
Joh nson, Cory	3:08p	10:35p					
Joh nson, Greta	6:48am						
Joh nson, Janice							
Johnson, John							
Johnson, Martha	2:10pm	10:05p					
Johnson, Sandy		9:05A					
Jones, B. J. (Bernard)	12:45pm	3:23p					
Jones, Machea							
Jones, Sammie	5:53	2:15pm					
Kelly, Ishmeal							
Kelly, Yolanda							
Killough, John							
King, Wendy							
Kirksey, Novita							
Knight, Reeser		12:07pm-4:09p					
Laughlin, Debra							
Lawrence, Kewetta							
Ledyard, David							
Lee, Stacey							
Lee, Sylvester							
Lee, Travis							
Lewis, Charles							
Lewis, Donald							
Lewis, Larysa							
Lipscomb, John							
Lockley, Eugene	6:38 AM	3:55p					
Lomas, Doris		3:50p					

MS  
MOSES6:45 3:32  
am p

3/19/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Gavin, Cleveland							
Gay, Rosalyn		12 <sup>22</sup> A	7:56A	8:14P			
George, Wilma							
Givens, Rakeya	3:10 P	11:47p					
Gleason, Ray							
Golay, Austin	4:11 P	11:55p					
Golden, Barbara							
Goshay, Darrell							
Grant, Fred	7:31A	9:26A					
Gray,	7:45Am						
Grayson, Charles	7:25 P	11:20pm					
Green, Johnny							
Griffith, Kelley							
Griner, Syreeta	5:40 A						
Gullatte, Maurice	7Am	2:02 P					
Hails, LaShanda							
Hall, Vanessa							
Hammond, Jacob		6:03 A	2:05 P				
Hampton, Kevin							
Hampton, Pamela							
Hanna, Johnny							
Hardley, Marvin							
Hardy, Michael							
Harris, A.T	7:56Am	11:05 P					
Harris, Bessie							
Harris, LaQuanda							
Harris, Lela	2:25 Pm						
Harris, Rose							
Harris, Sam							

3124106

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Harris, Veronica		1203A		8:38p			
Harrison, Roland	1200A	9:45					
Hartzog, Lennie		5:43p					
Harvest, Arthur	1145P						
Haughton, Lyle	1201A						
Hawkins, Clyde							
Hawkins, Sylvie	733A						
Headley, Michael							
Henderson, Clarence		11:33P	404/P	1:53P			
Henderson, Javez		11:16P	2:56/P	11:10P			
Henry, Sonja			10:50P				
Hill, Charles		10:17P					
Hood, Elijah	200P	10:11P					
Hooks, Randy							
Howard, Labrita							
Howard, Robert							
Hughes, Jason							
Hurry, Sandra	218P	11:00P					
Hurst, Willie	6:46A	2:59P					
Hutchinson, Mark		12:21P					
Iverson, Wyman							
Jack, Teresa		1201A					
Jackson, Calvin							
Jackson, Dianna	11:40P		11:11P				
Jackson, Joe	7:14A		6:07P	1:30/P			
Jackson, Talmor	10:05P						
James, Percy							
Jemison, Raceen	733A	3:21P					
John, Karen	733A	3:36P					

Amphibey  
Hart

907A  
11:20



3125106

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Struzick, Betty	1048 Am						
Sumrall, Raymond							
Tartt, Melvin	435 p						
Taylor, Debbie	1007 A	218 pm					
Taylor, Harry	348 p						
Thaggard, Thomas							
Thomas, Delveeta							
Thomas, Eric	348 p	1156 p					
Thomas, Juan	413 p						
Thomas, Kelvin							
Thompson, Julia	1141 p						
Thompson, Patricia							
Tillman, Thomas							
Timmons, Eddie							
Tolliver, Estelle							
Townsend-Blair, Jessilyn	10:26 A	1055 Am					
Trimble, Sharon							
Trybuch, Edward							
Tucker, Liz							
Tucker, Phillip	210 pm	1011 p					
Tyler, James	1022 Am	318 p					
Tyson, Jimmy	337 p						
Uzochukwu, Stanley	800 Am	837 p					
Vaughn, Barbara							
Walker, Frank							
Walker, Roosevelt							
Washington, Sandra							
Washington, Vincent	202 pm	1007 p					

3/26/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl	752A	415P					
Gallacher, Lisa W							
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland							
Gay, Rosalyn		815P					
George, Wilma							
Givens, Rakeya	253P	1005P					
Glenn, Ray							
Golay, Austin	359P	1159P					
Golden, Barbara							
Goshay, Darrell							
Grant, Fred							
Gray, Katorie							
Grayson, Charles	232P						
Green, Johnny							
Griffith, Victoria							
Griner, Syreeta	6A21	207A					
Gullatte, Maurice	6:50AM						
Hails, LaShanda	1205A			1251P			
Hall, Vanessa							
Hammond, Jacob	1:58PM	815P					
Hampton, Kevin							
Hampton, Pamela							
Hanna, Johnny							
Hardley, Marvin							
Harris, A.T		847P					

3129106

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl							
Gallacher, Lisa W							
Gamble, Edward	1625A	505p					
Garrett, Urban							
Gavin, Cleveland							
Gay, Rosalyn	7:45 Am		8:15 Am	8:30 PM			
George, Wilma	8:02A						
Givens, Rakeya							
Glenn, Ray	8:43A						
Golay, Austin							
Golden, Barbara	1625A	3:45 PM					
Goshay, Darrell	7:17A		3:45p	5:15 PM			
Grant, Fred	135A	225A	7:45 Am	4:06 P			
Gray, Katorie		3:30 PM					
Grayson, Charles	2:45p	11:00p					
Green, Johnny	10A						
Griffith, Victoria	7:19 PM	3:00p					
Griner, Syreeta	2:25p	3:13p					
Guillatte, Maurice							
Hails, LaShanda	1205A						
Hall, Vanessa	537A	9:26A					
Hammond, Jacob							
Hampton, Kevin							
Hampton, Pamela	8:1A	4:13p					
Hanna, Johnny	606A						
Hardley, Marvin							
Harris, A.T	8:05 PM	4:06p					

MAGIA

GA.

3/29/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Jackson, Dianna	1250p						
Jackson, Joe	654A	1115Am	320p				
Jackson, Talmor	745Am	345pm					
James, Percy	734A	411p					
Jemison, Raceen							
John, Karen							
Johnson, Arleshia		906A					
Johnson, Cory	(SH) 306p	1115p					
Johnson, Greta	645A	1015A					
Johnson, Janice	720Am	330p					
Johnson, John		352p					
Johnson, Martha	150Pm	705pm					
Johnson, Sandy		8140A1					
Jones, B. J. (Bernard)							
Jones, Machea	740Am	440p					
Jones, Sammie							
Kelly, Ishmeal							
Kelly, Yolanda							
Killough, John							
King, Wendy							
Kirksey, Novita							
Knight, Reeser	1202P	310PM					
Laughlin, Debra							
Lawrence, Kewetta	425A	1211Pm					
Lee, Stacey	8112A	736am	1110Pm	403p			
Lee, Sylvester	1255Pm	1010pm					
Lee, Travis							
Lewis, Charles							
Lewis, Donald	811m						

3/31/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl	1254P	932P					
Gallacher, Lisa W							
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland							
Gay, Rosalyn	751A	428P					
George, Wilma	736A	10 <sup>00</sup> PM					
Givens, Rakeya							
Glenn, Ray	903A	303 P					
Golay, Austin							
Golden, Barbara Nurse	705A	333P					
Goshay, Darrell	824A						
Grant, Fred	736A	414P					
Gray, Katorie Nurse	815A	441P					
Grayson, Charles							
Green, Johnny							
Griffith, Victoria Nurse	710A	316P					
Griner, Syreeta							
Gullatte, Maurice	657A						
Hails, LaShanda	1159A	900P					
Hall, Vanessa	544A						
Hammond, Jacob	10 <sup>00</sup> P						
Hampton, Kevin							
Hampton, Pamela	910 AM	348 P					
Hanna, Johnny							
Hardley, Marvin							
Harris, A.T	752A	835P					

4/1/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl							
Gallacher, Lisa W							
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland							
Gay, Rosalyn	316/p	10 <sup>00</sup> p	645p				
George, Wilma							
Givens, Rakeya	723Am	335/p					
Glenn, Ray							
Golay, Austin		11:51Pm					
Golden, Barbara							
Goshay, Darrell		1200A					
Grant, Fred	744Am	843Am	345p	517/p			
Gray, Katorie							
Grayson, Charles							
Green, Johnny	915Am						
Griffith, Victoria							
Griner, Syreeta	530Am	215Am					
Gullatte, Maurice	649Am	350p					
Hails, LaShanda	400P						
Hall, Vanessa	545Am	1150Am					
Hammond, Jacob		605Am	1005p				
Hampton, Kevin							
Hampton, Pamela							
Hanna, Johnny							
Hardley, Marvin							
Harris, A.T							

4/2/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl							
Gallacher, Lisa W							
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland							
Gay, Rosalyn		12:10AM		8:12P			
George, Wilma							
Givens, Rakeya	3:15P	11:10P					
Glenn, Ray							
Golay, Austin							
Golden, Barbara							
Goshay, Darrell							
Grant, Fred	3:31P	5:08P					
Gray, Katorie							
Grayson, Charles	2:32P	11:00P					
Green, Johnny							
Griffith, Victoria							
Griner, Syreeta	5:59AM	2:16PM					
Gullatte, Maurice	7:10A						
Hails, LaShanda		12:15AM					
Hall, Vanessa							
Hammond, Jacob		6:30AM	2 PM.	4:59P			
Hampton, Kevin							
Hampton, Pamela							
Hanna, Johnny							
Hardley, Marvin							
Harris, A.T	8:12A	8:41P					

412106

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Jackson, Dianna	1120p						
Jackson, Joe		8:30 AM					
Jackson, Talmor	12:15 AM						
James, Percy	8:04 A	4:20 P					
Jemison, Raceen							
John, Karen							
Johnson, Arleshia	7:47 A						
Johnson, Cory							
Johnson, Greta							
Johnson, Janice							
Johnson, John							
Johnson, Martha	2 PM	10:05 P					
Johnson, Sandy		<del>8:30 AM</del>					
Jones, B. J. (Bernard)							
Jones, Machea							
Jones, Sammie	6 A	2:15 PM					
Kelly, Ishmeal							
Kelly, Yolanda							
Killough, John							
King, Wendy	8:11 A	4:31 P					
Kirksey, Novita	2:50 P	11:00 P					
Knight, Reeser	8:17 A	4:10 P					
Laughlin, Debra							
Lawrence, Kewetta	4:50 AM	12:18 P					
Lee, Stacey							
Lee, Sylvester							
Lee, Travis							
Lewis, Charles		8:10 A	3:50 P	11:54 P			
Lewis, Donald							



412106

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Struzick, Betty							
Sumrall, Raymond							
Tartt, Melvin		12:10 AM	3:50 P	11:52 P			
Taylor, Debbie	8:10 A	4:50 P					
Taylor, Harry	12:31 PM	8:21 A					
Thaggard, Thomas							
Thomas, Delveeta							
Thomas, Eric		12:20 AM	4:12 P				
Thomas, Juan		12:50 AM					
Thomas, Kelvin	2:38 P						
Thompson, Julia	10:40 P						
Thompson, Patricia							
Tillman, Thomas							
Timmons, Eddie	3:46 P						
Tolliver, Estelle							
Townsend-Blair, Jessilyn							
Trimble, Sharon		7:40 AM					
Trybuch, Edward							
Tucker, Liz							
Tucker, Phillip	2 P M	10:10 P					
Tyler, James							
Tyson, Jimmy		12:40 AM	3:54 P				
Uzochukwu, Stanley							
Vaughn, Barbara	4:58 AM	1:02 PM					
Walker, Frank							
Walker, Roosevelt							
Washington, Sandra							
Washington, Vincent	2:01 PM	8:20 P					

4/4/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Struzick, Betty	946A	416P					
Sumrall, Raymond							
Tartt, Melvin		1215A	208P	633P			
Taylor, Debbie							
Taylor, Harry	1230A	810Am					
Thaggard, Thomas	738A	543P					
Thomas, Delveeta	738A						
Thomas, Eric		1202A					
Thomas, Juan							
Thomas, Kelvin							
Thompson, Julia							
Thompson, Patricia	735A	1044A		343P			
Tillman, Thomas							
Timmons, Eddie		901P					
Tolliver, Estelle	837A	500P					
Townsend-Blair, Jessilyn	818A	411P					
Trimble, Sharon							
Trybuch, Edward							
Tucker, Liz							
Tucker, Phillip		1230A	155P				
Tyler, James	735A	515P					
Tyson, Jimmy		1216A		919P			
Uzochukwu, Stanley	148A	1011P					
Vaughn, Barbara	427A		355P	633P			
Walker, Frank							
Walker, Roosevelt	738A	348P					
Washington, Sandra	752A	339P					
Washington, Vincent	200P	1013P					
THOMPSON	708A						

4/5/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Struzick, Betty	8:52A	10:39					
Sumrall, Raymond							
Tartt, Melvin							
Taylor, Debbie	1:16Pm	9:06p					
Taylor, Harry							
Thaggard, Thomas	7:20A	6:56p					
Thomas, Delveeta	7:42A		3:43p	4:13p			
Thomas, Eric							
Thomas, Juan							
Thomas, Kelvin	9:21A	2:53p					
Thompson, Julia	7:40A	8:58A	10:52p				
Thompson, Patricia	7:35A	3:45p					
Tillman, Thomas							
Timmons, Eddie	1:16Pm	9:01p					
Tolliver, Estelle		5:27p					
Townsend-Blair, Jessilyn			1:19Pm	4:18p			
Trimble, Sharon	10:50p						
Trybuch, Edward							
Tucker, Liz	9:40A						
Tucker, Phillip		12:25					
Tyler, James							
Tyson, Jimmy							
Uzochukwu, Stanley	2:01Pm	10:15p					
Vaughn, Barbara	4:15am	10:41Pm					
Walker, Frank		4:13p					
Walker, Roosevelt	7:44A	3:50p					
Washington, Sandra	7:42A	3:10p					
Washington, Vincent	2pm	9:55p					

Thompson

7:16A 4:10p

415106

[illegible]

4/6/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel	7:50A	3:10P					
Gadson, Carl	3:40P						
Gallacher, Lisa W	7:16A	3:41P					
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland		4:19P					
Gay, Rosalyn	7:17A	3:17P		9:30P			
George, Wilma	8:11A						
Givens, Rakeya							
Glenn, Ray		4:39P					
Golay, Austin							
Golden, Barbara	6:58A	3:00P					
Goshay, Darrell							
Grant, Fred	12:30PM	4:07P					
Gray, Katorie	7:31AM	8A	1:40P				
Grayson, Charles	2:31PM	4:00P					
Green, Johnny	7:30AM	3:38P					
Griffith, Victoria	7:40A	3:18P					
Griner, Syreeta	7:50A						
Gullatte, Maurice							
Hails, LaShanda							
Hall, Vanessa	5:43A						
Hammond, Jacob		1:00P					
Hampton, Kevin	7:15A	5:06P					
Hampton, Pamela		4:23P					
Hanna, Johnny	6:22A	3:00P					
Hardley, Marvin							
Harris, A.T							

4/9/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl		7:55A					
Gallacher, Lisa W							
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland							
Gay, Rosalyn		12:00A	7:54A	8:10P			
George, Wilma							
Givens, Rakeya	3:20P	11:23P					
Glenn, Ray							
Golay, Austin	3:41P						
Golden, Barbara	9:56Am	10:17A					
Goshay, Darrell							
Grant, Fred							
Gray, Katorie							
Grayson, Charles	2:30Pm	1:02P					
Green, Johnny	8:30A	8:48A					
Griffith, Victoria							
Griner, Syreeta	6:54Am	11:45Pm					
Gullatte, Maurice	6:50A	3:00P					
Hails, LaShanda							
Hall, Vanessa		8:16A					
Hammond, Jacob		6:01A	2:08PM	8:05P			
Hampton, Kevin							
Hampton, Pamela							
Hanna, Johnny							
Hardley, Marvin							
Harris, A.T	1:51PM	8:41P					

4/19/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Struzick, Betty							
Sumrall, Raymond							
Tartt, Melvin	8:05A	4:32P					
Taylor, Debbie		2:10P					
Taylor, Harry		9:17A	3:59P	12:10A			
Thaggard, Thomas							
Thomas, Delveeta							
Thomas, Eric		12:10A		12:00A			
Thomas, Juan	<del>8:05A</del>		1:17P	4:48P			
Thomas, Kelvin	8:05A						
Thompson, Julia	6:30A	10:44P					
Thompson, Patricia							
Tillman, Thomas							
Timmons, Eddie		4:22P					
Tolliver, Estelle							
Townsend-Blair, Jessilyn							
Trimble, Sharon	2:29A	7:35A	10:59				
Trybuch, Edward							
Tucker, Liz							
Tucker, Phillip	9:13A	4:21P					
Tyler, James							
Tyson, Jimmy							
Uzochukwu, Stanley	1:40P	10:12P					
Vaughn, Barbara	4:05A	1:06P					
Walker, Frank							
Walker, Roosevelt							
Washington, Sandra							
Washington, Vincent	9:00PM	10:3P					
Thomas, Eric	3:57P						

4/15/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl		8:30 Am					
Gallacher, Lisa W							
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland							
Gay, Rosalyn							
George, Wilma							
Givens, Rakeya							
Glenn, Ray							
Golay, Austin		12:00 PM	4:02 PM	11:42 PM			
Golden, Barbara							
Goshay, Darrell							
Grant, Fred							
Gray, Katorie							
Grayson, Charles							
Green, Johnny							
Griffith, Victoria							
Griner, Syreeta	10:10 AM	2:10 PM					
Gullatte, Maurice	6:50 AM	3:12 PM					
Hails, LaShanda	12:00 PM	8:10 AM	3:52 PM				
Hall, Vanessa	5:40 AM	1:40 PM					
Hammond, Jacob	10:02 PM						
Hampton, Kevin							
Hampton, Pamela							
Hanna, Johnny							
Hardley, Marvin							
Harris, A.T							
Gordon, <del>Harold</del> <i>Harold</i>	2:45 PM	11:00 PM					



4/16/05

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl	404 P						
Gallacher, Lisa W							
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland							
Gay, Rosalyn							
George, Wilma							
Givens, Rakeya							
Glenn, Ray							
Golay, Austin	8:07A	4:10 P					
Golden, Barbara							
Goshay, Darrell							
Grant, Fred							
Gray, Katorie							
Grayson, Charles							
Green, Johnny							
Griffith, Victoria							
Griner, Syreeta							
Gullatte, Maurice	6:44A						
Hails, LaShanda		11:47 P					
Hall, Vanessa	3:56 P						
Hammond, Jacob		5:55A	10:59 P				
Hampton, Kevin							
Hampton, Pamela							
Hanna, Johnny							
Hardley, Marvin							
Harris, A.T	2:07 P						

COOK

2:54 P

4117106

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel		3:00 P					
Gadson, Carl		1220 A - 1134 P					
Gallacher, Lisa W	7:29 A	3:43 P					
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland	7:25 A	4:39 P					
Gay, Rosalyn							
George, Wilma		3:31 P					
Gjvens, Rakeya							
Glenn, Ray							
Golay, Austin	8:51 P						
Golden, Barbara	6:51 A	3:50 P					
Goshay, Darrell							
Grant, Fred	5:59 A	4:10 A	9:02 A	3:50			
Gray, Katorie	7:47 A	3:05 P					
Grayson, Charles	2:30 P						
Green, Johnny	7:25 A	3:25					
Griffith, Victoria	7:02 PM						
Griner, Syreeta		8:05 P					
Gullatte, Maurice	6:50 A	3 PM					
Hails, LaShanda	11:50 P						
Hall, Vanessa							
Hammond, Jacob		5:50 AM - 10:00 P.					
Hampton, Kevin		4:46 P					
Hampton, Pamela	8:05 A						
Hanna, Johnny	6:50 A						
Hardley, Marvin							
Harris, A.T	2:30 P	10:10 P					

~~8:00~~  
0000E

2:58 PM

4/17/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Struzick, Betty	8:47A	11:51A					
Sumrall, Raymond							
Tartt, Melvin	2:10P	8:52P					
Taylor, Debbie		7:21A					
Taylor, Harry	3:53P						
Thaggard, Thomas	7:31Am	1:52Pm		5:00P			
Thomas, Delveeta	7:52Am	3:54P					
Thomas, Eric		12:00P					
Thomas, Juan		12:16	3:35 PM				
Thomas, Kelvin	7:16A	3Pm					
Thompson, Julia	7:05A		10:50P				
Thompson, Patricia	7:11A	11:25A	12:03P				
Tillman, Thomas							
Timmons, Eddie	7:52P	8:39P					
Tolliver, Estelle	9:03A	9:44A	5:50P				
Townsend-Blair, Jessilyn	9:03A	9:34A	11:39A	4:00P			
Trimble, Sharon		7:49A					
Trybuch, Edward							
Tucker, Liz							
Tucker, Phillip							
Tyler, James	7:10A	12:25P	12:31Pm	<del>4:31P</del>		4:31P	
Tyson, Jimmy		12:12A		9:09P			
Uzochukwu, Stanley	12:55P						
Vaughn, Barbara	2:25Am						
Walker, Frank	12:44P		2:37P	3:57P			
Walker, Roosevelt							
Washington, Sandra	7:51A	3:31P					
Washington, Vincent	7:03P	10:09P					

Thompson,  
Thomas, Eric3:25P  
4:05P

4/19/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl	3:47p	4:05p					
Gallacher, Lisa W	7:28A	4:07p					
Gamble, Edward	9:49Am	5:04p					
Garrett, Urban							
Gavin, Cleveland	7:38A	11:10A	12:00P	4:55p			
Gay, Rosalyn	8:10Am	8:15pm					
George, Wilma	7:58Am						
Givens, Rakeya							
Glenn, Ray	9:50A	4:30p					
Golay, Austin		12:15A	4:06p				
Golden, Barbara							
Goshay, Darrell	8:52A	5:09p					
Grant, Fred	9:48Am	4:05p					
Gray, Katorie	8:12Am						
Grayson, Charles	2:22Pm	11:00p					
Green, Johnny	7:50A	10:59A	12:45P	3:26p			
Griffith, Victoria	7:15A	2:33p					
Griner, Syreeta	9:10Am						
Gullatte, Maurice							
Hails, LaShanda	12:02P	7:58p					
Hall, Vanessa	5:41A						
Hammond, Jacob	10:23p						
Hampton, Kevin		4:37p					
Hampton, Pamela	9:10A	4:47p					
Hanna, Johnny	10:49A	3:01p					
Hardley, Marvin							
Harris, A.T	2:01Pm	10:37p	11:15p				

4/21/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl		358p					
Gallacher, Lisa W	733A	341p					
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland	736A	469p					
Gay, Rosalyn							
George, Wilma	736A						
Givens, Rakeya							
Glenn, Ray	848A	341p					
Golay, Austin							
Golden, Barbara							
Goshay, Darrell							
Grant, Fred	1056A	354p					
Gray, Katorie	740A						
Grayson, Charles							
Green, Johnny							
Griffith, Victoria							
Griner, Syreeta		931p					
Gullatte, Maurice	650A	300p					
Hails, LaShanda	157P	901p					
Hall, Vanessa							
Hammond, Jacob		1000p					
Hampton, Kevin							
Hampton, Pamela	544/p	605p					
Hanna, Johnny	650A	300p					
Hardley, Marvin							
Harris, A.T	203P	1008p					
HOWARD, T		1005p					
COOKE	249A	1100p					

4/22/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl							
Gallacher, Lisa W							
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland		11:10 PM					
Gay, Rosalyn	3:30 P						
George, Wilma							
Givens, Rakeya							
Glenn, Ray							
Golay, Austin	8:24 AM	12:01 PM		11:50 PM			
Golden, Barbara							
Goshay, Darrell	8:41 AM						
Grant, Fred	7:45 AM	8:30 AM					
Gray, Katorie							
Grayson, Charles							
Green, Johnny							
Griffith, Victoria							
Griner, Syreeta	8:06 AM						
Gullatte, Maurice	6:46 AM	3:50 P					
Hails, LaShanda	11:50 PM						
Hall, Vanessa							
Hammond, Jacob	10:03 P						
Hampton, Kevin							
Hampton, Pamela							
Hanna, Johnny							
Hardley, Marvin							
Harris, A.T	2:22 PM	10:00 P					
Howard, Arthur	2:40 PM	11:00 P					
HOWARD	4:03 P						

4/23/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Struzick, Betty							
Sumrall, Raymond							
Tartt, Melvin							
Taylor, Debbie	8:40 A	10 <sup>15</sup> P					
Taylor, Harry	3:35 P						
Thaggard, Thomas							
Thomas, Delveeta							
Thomas, Eric		12:06 AM	3:54 P	1:52 P			
Thomas, Juan	4:19 P						
Thomas, Kelvin		1:10 AM					
Thompson, Julia		12:25 AM	10:45 P				
Thompson, Patricia							
Tillman, Thomas							
Timmons, Eddie	3:36 P						
Tolliver, Estelle							
Townsend-Blair, Jessilyn							
Trimble, Sharon	11:00 P						
Trybuch, Edward							
Tucker, Liz							
Tucker, Phillip							
Tyler, James							
Tyson, Jimmy	3:32 P						
Uzochukwu, Stanley							
Vaughn, Barbara	4:38 AM	12:10 PM	4:00 P	6:00 P			
Walker, Frank							
Walker, Roosevelt							
Washington, Sandra							
Washington, Vincent	2:01 PM	10:06 P					

4/23/06

[illegible]



4/24/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Jackson, Dianna							
Jackson, Joe	6:57A	2:24P					
Jackson, Talmor	12:15A	8:05A	12:10A				
James, Percy		12:11am	11:37A	1:15A			
Jemison, Raceen							
John, Karen	8:11A	3:45P					
Johnson, Arleshia							
Johnson, Cory		11:40P					
Johnson, Greta							
Johnson, Janice							
Johnson, John							
Johnson, Martha		9:52P					
Johnson, Sandy		8:30A	11:53P				
Jones, B. J. (Bernard)							
Jones, Machea							
Jones, Sammie	5:57A						
Kelly, Ishmeal							
Kelly, Yolanda							
Killough, John		3:18P					
King, Wendy							
Kirksey, Novita	9:47P						
Knight, Reeser		12:19A					
Laughlin, Debra	7:15A	3:40P					
Lawrence, Kewetta	4:36am	12:15P	12:25P	12:30P			
Lee, Stacey							
Lee, Sylvester	5:52A	2:42P					
Lee, Travis							
Lewis, Charles	3:52P	11:58P					
Lewis, Donald	2:57P	4:32P					

4/24/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Struzick, Betty							
Sumrall, Raymond							
Tartt, Melvin	2 PM	10 <sup>10</sup> P					
Taylor, Debbie							
Taylor, Harry		12 <sup>11</sup> A	3 <sup>28</sup> P	12 <sup>23</sup> A			
Thaggard, Thomas							
Thomas, Delveeta	7:47 A	3 <sup>40</sup> P					
Thomas, Eric	4 <sup>00</sup> P	11:51 P					
Thomas, Juan		12 <sup>21</sup> A	4 <sup>10</sup> P	12 <sup>15</sup> A			
Thomas, Kelvin							
Thompson, Julia		6 <sup>40</sup> A					
Thompson, Patricia	7:35 A	11:04 A	11:26 A	3 <sup>40</sup> P			
Tillman, Thomas							
Timmons, Eddie		8 <sup>50</sup> P					
Tolliver, Estelle							
Townsend-Blair, Jessilyn							
Trimble, Sharon		5 <sup>10</sup> A					
Trybuch, Edward							
Tucker, Liz							
Tucker, Phillip							
Tyler, James							
Tyson, Jimmy		8:34 A					
Uzochukwu, Stanley		10 <sup>10</sup> P					
Vaughn, Barbara	4 <sup>10</sup> A	12 <sup>20</sup> P	2 <sup>04</sup> P				
Walker, Frank							
Walker, Roosevelt	7:46 AM	3 <sup>46</sup> P					
Washington, Sandra	7:32 A	3 <sup>40</sup> P					
Washington, Vincent	2 PM	10 <sup>00</sup> P					
TRAPANI	4 <sup>23</sup> P	7 <sup>20</sup> P					

4126106

[illegible]

4/27/06

[illegible]

4/28/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel	754am						
Gadson, Carl							
Gallacher, Lisa W	725Am	333p					
Gamble, Edward	830Am	1145Am	246p	433p			
Garrett, Urban							
Gavin, Cleveland	731Am	413p					
Gay, Rosalyn							
George, Wilma	724Am	140pm					
Givens, Rakeya							
Glenn, Ray	850Am	1057Am	1122Am	1200pm	141pm	335p	
Golay, Austin	1144Am	<del>628p</del>	710p				
Golden, Barbara	708Am	1120Am		428p			
Goshay, Darrell		659p					
Grant, Fred	715Am	1145Am					
Gray, Katorie	812Am	527p					
Grayson, Charles							
Green, Johnny	724Am	250p					
Griffith, Victoria	731Am	1120Am		335p			
Griner, Syreeta	210pm	525p	600p	1010p			
Gullatte, Maurice	657Am	300p					
Hails, LaShanda	402p	1149pm					
Hail, Vanessa							
Hammond, Jacob	1000p						
Hampton, Kevin	814Am	1135Am	150pm	736p			
Hampton, Pamela	750Am	1115Am	1240pm	308p			
Hanna, Johnny							
Hardley, Marvin							
Harris, A.T	308p	1030p					
GOODE, ARTHUR	259p	1100p					

4/29/06

MT. MEIGS COMPLEX	IN	OUT	IN	OUT	IN	OUT	IN
Fuller, Rachel							
Gadson, Carl	8:45am	9:15am	11:20am	1:00p			
Gallacher, Lisa W							
Gamble, Edward							
Garrett, Urban							
Gavin, Cleveland							
Gay, Rosalyn							
George, Wilma							
Givens, Rakeya							
Glenn, Ray							
Golay, Austin		12:05	2:44p	12:01a			
Golden, Barbara							
Goshay, Darrell							
Grant, Fred							
Gray, Katorie							
Grayson, Charles							
Green, Johnny							
Griffith, Victoria							
Griner, Syreeta	6:48am	6:30pm					
Gullatte, Maurice	6:48am	3:00p					
Hails, LaShanda	11:59p						
Hall, Vanessa	5:45am	2:00pm					
Hammond, Jacob		6:48am	1:00pm				
Hampton, Kevin							
Hampton, Pamela							
Hanna, Johnny							
Hardley, Marvin							
Harris, A.T	2:00pm	10:30p					
Wade, Azura	3:50p	11:00p					

Form 13

Revised (1/1/1999)

E. PLOYEE PERFORMANCE APPRAISAL

STATE OF ALABAMA

Personnel Department

PLAINTIFF'S  
EXHIBIT

13

Number  
StepsEmployee Name: TERA A. MCNILLIAN

Social Security Number: \_\_\_\_\_

Agency: 021/YOUTH SERVICESDivision: Mt MeigsClassification: YOUTH SERVICES AIDEClass Code: 60801Period Covered From: 03/01/2003To: 03/01/2004Annual Raise Effective: MAY 2004**APPRAISAL SIGNATURES:** Signatures are to be provided after the form has been completed.

Rating Supervisor

Employee

Reviewing Supervisor

SSN 416 - 06 - 0537SSN 422 - 68 - 8032

Signature

Signature

Signature

Date

Date

Date

Initial if comments are attached

Initial if comments are attached

Initial if comments are attached

**PERFORMANCE APPRAISAL SCORE:** Locate the Responsibility Score on the back of this form and write it in the appropriate space. Locate the Disciplinary Score, also on the back of this form, and write it in the appropriate space. The Disciplinary Score is subtracted from the Responsibility Score to derive the Performance Appraisal Score.

27  
Responsibility  
Score

0  
Disciplinary  
Score

=

27  
Performance Appraisal  
Score

This employee's work:

☐☐☐☒☐Does Not Meet  
Standards  
(6.6 or below)Partially Meets  
Standards  
(6.7 - 16.6)Meets  
Standards  
(16.7 - 26.6)Exceeds  
Standards  
(26.7 - 36.6)Consistently  
Exceeds Standards  
(36.7 - 40)

**WORK HABITS:** Check the appropriate box for each work habit area. If "Noncompliance" is to be marked, a step of the discipline system (warning, reprimand, suspension) must have been taken with the employee during the appraisal period. See the Disciplinary Actions area on the back of this form for disciplinary documentation.

Compliance

Noncompliance

Attendance

☒☐

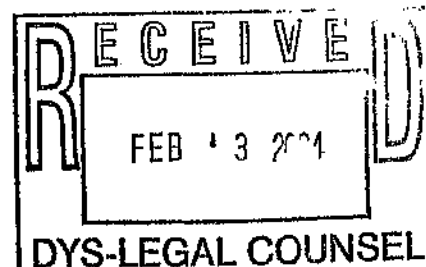
Punctuality

☒☐

Cooperation with Coworkers

☒☐

Compliance with Rules

☒☐

**Form 13**

Revised (1/1/1999)

**EMPLOYEE PERFORMANCE APPRAISAL**

STATE OF ALABAMA

Personnel Department

Number of Steps

CONFIDENTIAL

Employee Name: TERA A MCNILLIANSocial Security Number: 423-02-8114Agency: 021/YOUTH SERVICESDivision: MT MergClassification: YOUTH SERVICES AIDEClass Code: 60801Period Covered From: 03/01/2004 To: 03/01/2005Annual Raise Effective: MAY 2005**APPRAISAL SIGNATURES:** Signatures are to be provided after the form has been completed.**Rating Supervisor****Employee****Reviewing Supervisor**SSN 416 - 06 - 0537SSN 422 - 68 - 8032Signature M. C. Lauby, Jr.Signature Tera McNillianSignature M. C. Lauby, Jr.Date 2/14/05Date 02/14/05Date 2/14/05

Initial if comments are attached

Initial if comments are attached HLB

Initial if comments are attached

**PERFORMANCE APPRAISAL SCORE:** Locate the Responsibility Score on the back of this form and write it in the appropriate space. Locate the Disciplinary Score, also on the back of this form, and write it in the appropriate space. The Disciplinary Score is subtracted from the Responsibility Score to derive the Performance Appraisal Score.

$$\begin{array}{ccc} \underline{27} & - & \underline{0} \\ \text{Responsibility} & & \text{Disciplinary} \\ \text{Score} & & \text{Score} \end{array} = \underline{27} \begin{array}{c} \text{Performance Appraisal} \\ \text{Score} \end{array}$$

This employee's work:

☐☐☐☒☐Does Not Meet  
Standards  
(6.6 or below)Partially Meets  
Standards  
(6.7 - 16.6)Meets  
Standards  
(16.7 - 26.6)Exceeds  
Standards  
(26.7 - 36.6)Consistently  
Exceeds Standards  
(36.7 - 40)

**WORK HABITS:** Check the appropriate box for each work habit area. If "Noncompliance" is to be marked, a step of the discipline system (warning, reprimand, suspension) must have been taken with the employee during the appraisal period. See the Disciplinary Actions area on the back of this form for disciplinary documentation.

Compliance

Noncompliance

Attendance

☒☐

Punctuality

☒☐

Cooperation with Coworkers

☒☐

Compliance with Rules

☒☐

000762



Case 2:07-cv-00001-WKW-WC Document 44-14 Filed 01/03/2008 Page 3 of 7

**WORK HABITS:** Provide a ( ) in the appropriate space when the p. and procedures concerning the following areas have been discussed with the employee. In particular, the attendance and punctuality policies should be provided to the employee in writing. For instructions, refer to the performance appraisal manual and policies of the agency.

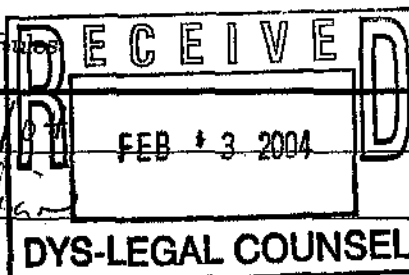
CHECK IF DISCUSSED: ☒ Attendance  
☒ Punctuality  
☒ Cooperation with Coworkers  
☒ Compliance with Rules

**PREAPPRAISAL SIGNATURES:** Date of Session: 2/9/04

Employee Signature: Shirley McMillan

Rater Signature: Michael Hardy

Reviewer Signature: Maria Hardy



### MIDAPPRAISAL

Describe the employee's performance strength(s) as observed during the first half of the appraisal period.

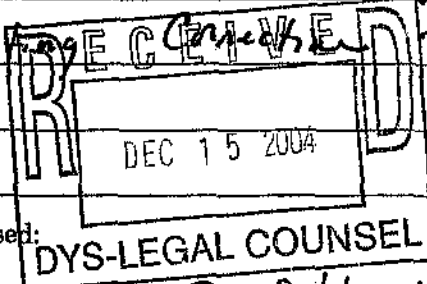
Mr. McMillan is cooperative and interact positively with staff and students.

Describe area(s) of the employee's performance that need improvement as observed during the first half of the appraisal period.

Mr. McMillan need to become more familiar with dormitory operation as it relates to aca policy and forms.

Document the action plan that has been discussed to improve the areas of weakness.

Mr. McMillan will be coached via staff meeting and impromptu meetings. Measures will be taken as needed.



A midappraisal has been held and performance has been discussed:

Date: 12/12/04

Employee Signature: Shirley McMillan

Rater Signature: Michael Hardy

**Form 13****EMPLOYEE PERFORMANCE APPRAISAL**

Revised (06/2005)

**STATE OF ALABAMA****Personnel Department**Employee Name: TERA A MCMILLIANSocial Security Number: 423-02-8114Agency: 021/YOUTH SERVICESDivision: MMClassification: YOUTH SERVICES AIDEClass Code: 60801 Position #: 04345008Period Covered From: 03/01/2005 To: 03/01/2006Annual Raise Effective: MAY 2006

**APPRAISAL SIGNATURES:** Signatures are to be provided after the form has been completed. Signatures denote supervisor and employee discussion and receipt of form. Employee signature does not denote agreement. All signatures are mandatory.

**Rating Supervisor****Employee****Reviewing Supervisor**SSN 417 - 56 - 7439SSN 416 - 70 - 0728Sylvester Lee Jr.  
Rater SignatureRefused to sign  
Employee SignaturePhyllis J. Rankin  
Reviewer Signature2-13-06

Date

Date

Feb 2-17-06

Date

Initial if comments attached

Initial if comments attached

Initial if comments attached

**PERFORMANCE APPRAISAL SCORE:** Locate the Responsibility Score on the back of this form and write it in the appropriate space. Locate the Disciplinary Score, also on the back of this form, and write it in the appropriate space. The Disciplinary Score is subtracted from the Responsibility Score to derive the Performance Appraisal Score. Mandatory documentation is to be maintained in the agency's personnel files if a "Does Not Meet" or "Consistently Exceeds" rating is given.

25  
Responsibility  
Score0  
Disciplinary  
Score25  
Performance Appraisal  
Score

This employee's work:

☐  
Does Not Meet  
Standards  
(6.6 or below)

☐  
Partially Meets  
Standards  
(6.7 - 16.6)

☒  
Meets  
Standards  
(16.7 - 26.6)

☐  
Exceeds  
Standards  
(26.7 - 36.6)

☐  
Consistently  
Exceeds Standards  
(36.7 - 40)

**WORK HABITS:** Check the appropriate space for each Work Habit area. Work Habits pertain to conduct occurring in this Appraisal period. Provide an explanation below for marking any work habit as "Unsatisfactory." Attach additional sheets if necessary.

**Unsatisfactory****Satisfactory**

Attendance

Punctuality

Cooperation with Coworkers

Compliance with Rules

000744

Employee Name: TERA A MCMILLIANSocial Security Number: 423 -02 -8114Agency: 021/YOUTH SERVICESDivision: MMClassification: YOUTH SERVICES AIDEClass Code: 60801 Position #: 04345008Period Covered From: 03/01/2005 To: 03/01/2006Annual Raise Effective: MAY 2006

**APPRAISAL SIGNATURES:** Signatures are to be provided after the form has been completed. Signatures denote supervisor and employee discussion and receipt of form. Employee signature does not denote agreement. All signatures are mandatory.

Rating Supervisor	Employee	Reviewing Supervisor
SSN _____		SSN _____
_____ Rater Signature	_____ Employee Signature	_____ Reviewer Signature
_____ Date <u>J. L.</u>	_____ Date	_____ Date
_____ Initial if comments attached	_____ Initial if comments attached	_____ Initial if comments attached

**PERFORMANCE APPRAISAL SCORE:** Locate the Responsibility Score on the back of this form and write it in the appropriate space. Locate the Disciplinary Score, also on the back of this form, and write it in the appropriate space. The Disciplinary Score is subtracted from the Responsibility Score to derive the Performance Appraisal Score. Mandatory documentation is to be maintained in the agency's personnel files if a "Does Not Meet" or "Consistently Exceeds" rating is given.

25 Responsibility Score - 0 Disciplinary Score = 25 Performance Appraisal Score

This employee's work:

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does Not Meet Standards (6.6 or below)	Partially Meets Standards (6.7 - 16.6)	Meets Standards (16.7 - 26.6)	Exceeds Standards (26.7 - 36.6)	Consistently Exceeds Standards (36.7 - 40)

**WORK HABITS:** Check the appropriate space for each Work Habit area. Work Habits pertain to conduct occurring in this Appraisal period. Provide an explanation below for marking any work habit as "Unsatisfactory." Attach additional sheets if necessary.

	Unsatisfactory	Satisfactory
Attendance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Punctuality	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cooperation with Coworkers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Compliance with Rules	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WORK HABITS: Provide feedback in the appropriate space when the following areas have been discussed with the employee. In particular, the attendance and punctuality policies should be provided to the employee in writing. For instructions, refer to the performance appraisal manual and policies of the agency.

CHECK IF DISCUSSED: ☒ Attendance  
☒ Punctuality  
☒ Cooperation with Coworkers  
☒ Compliance with Rules

PREAPPRAISAL SIGNATURES: Date of Session: 2/14/05

Employee Signature: Dora A. McMillin 02/14/05

Rater Signature: Michael G. Hardy

Reviewer Signature: Marvin Hardy

#### MIDAPPRAISAL

Describe the employee's performance strength(s) as observed during the first half of the appraisal period.

Ms. McMillin's attendance is good.

Describe area(s) of the employee's performance that need improvement as observed during the first half of the appraisal period.

Ms. McMillin hasn't worked in ITU long enough for Unit Manager to observe any areas that need improvement.

Document the action plan that has been discussed to improve the areas of weakness.

A midappraisal has been held and performance has been discussed:

Date: 9/15/05

Employee Signature: Dora A. McMillin

Rater Signature: Michael G. Hardy

Form 13  
Revised (01/2006)**EMPLOYEE PERFORMANCE APPRAISAL**  
**STATE OF ALABAMA**  
**Personnel Department**Employee Name: TERA A. MCMILLIANSocial Security Number: XXX-XX-8114Agency: 021/YOUTH SERVICES

Division:

Classification: YOUTH SERVICES AIDEClass Code: 60801 Position #: 04345008Period Covered From: 03/01/2006 To: 03/01/2007Annual Raise Effective: MAY 2007**APPRAISAL SIGNATURES:** Signatures are to be provided after the form has been completed. Signatures denote supervisor and employee discussion and receipt of form. Employee signature does not denote agreement. All signatures are mandatory.**Rating Supervisor****Employee****Reviewing Supervisor**SSN XXX-XX-7439  
[Signature]  
Rater SignatureSy/VESTA AEE SR  
Rater Printed Name2/12/2007  
Date

Initial if comments attached

[Signature]  
Employee Signature  
02/12/2007  
Date

Initial if comments attached

SSN XXX-XX-8542  
[Signature]  
Reviewer Signature  
Joe N. Pinkard  
Reviewer Printed Name  
2/12/07  
Date  
[Signature]  
2/14/07

Initial if comments attached

**PERFORMANCE APPRAISAL SCORE:** Locate the Responsibility Score on the back of this form and write it in the appropriate space. Locate the Disciplinary Score, also on the back of this form, and write it in the appropriate space. The Disciplinary Score is subtracted from the Responsibility Score to derive the Performance Appraisal Score. Mandatory documentation is to be maintained in the agency's personnel files if a "Does Not Meet" or "Consistently Exceeds" rating is given.28  
Responsibility  
Score0  
Disciplinary  
Score= 28  
Performance Appraisal  
Score

This employee's work:

☐  
Does Not Meet  
Standards  
(6.6 or below)☐  
Partially Meets  
Standards  
(6.7 - 16.6)☐  
Meets  
Standards  
(16.7 - 26.6)☒  
Exceeds  
Standards  
(26.7 - 36.6)☐  
Consistently  
Exceeds Standards  
(36.7 - 40)**WORK HABITS:** Check the appropriate space for each Work Habit area. Work Habits pertain to conduct occurring in this Appraisal period. Provide an explanation below for marking any work habit as "Unsatisfactory." Attach additional sheets if necessary. No disciplinary action has to be taken to mark a Work Habit "Unsatisfactory."**Unsatisfactory****Satisfactory**

Attendance

Punctuality

Cooperation with Coworkers

Compliance with Rules

K[Signature][Signature][Signature]LATE 3 Times000741



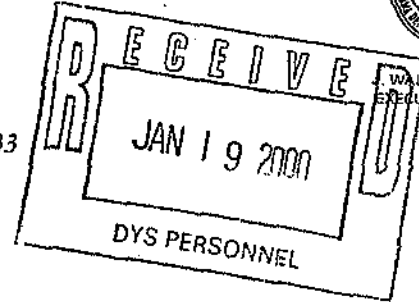
WILLIAM R. SAMUEL, SR.  
SUPERINTENDENT

Department of Youth Services  
Mt. Meigs Campus

Post Office Box 66  
Mt. Meigs, Alabama 36057  
Telephone: (334) 215-8100  
Fax # (334) 215-8100, Ext. 233



WALTER WOOD, JR.  
EXECUTIVE DIRECTOR



MEMORANDUM

TO: Ms. Debra Spann, Personnel Manager

THRU: Mr. William R. Samuel, Superintendent

FROM: Michael J. Hardy, Counselor I *mjh*

DATE: January 18, 2000

RE: Sex Discrimination - Creating a Hostile Work Environment

Please consider this memo pursuant to Title VII i.e. Sex discrimination which resulted in intentional emotional distress, sabotage of the dormitory, and family problems. It is the opinion of the writer that your actions have created a hostile work environment. Ms. Portis has acknowledged a personal relationship existed between you and she. It is my belief that this relationship resulted in favorable treatment toward her and your concealing pertinent information vital to my supervision of staff under my direct supervision (not to mention violation of the chain of command). Your action has directly impacted my health, which I feel was malicious, contemptuous, compulsive, unprofessional, intentional and libelous. There were no considerations given to the fact that: (1) we are currently short staffed; (2) my schedule was out with three staff on scheduled leave; (3) your transfers resulted in us being another staff short; and (4) in addition, since this time we have had a staff hospitalized, and three staff with immediate family member deaths (aunts).

Again, please consider this memo pursuant to violation of DYS Policy 3.13.2 and Title VII i.e. Sex Discrimination. It is my sincere hope that this memo will not result in retaliation or vindictive behaviors.

*11/15/05 mjh*

MJH:elc

Cc: G. Wayne Booker James D. Tyler Personnel (2) Memo File





1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

BEFORE THE  
STATE OF ALABAMA  
DEPARTMENT OF PERSONNEL  
MONTGOMERY, ALABAMA

IN THE MATTER OF: MICHAEL HARDY  
TERMINATION APPEAL

\* \* \* \* \*

TESTIMONY AND PROCEEDINGS, taken before  
the Honorable Julia J. Weller, Administrative Law  
Judge, at The Folsom Administration Building, 64  
North Union Street, Montgomery, Alabama, on  
Monday, May 8, 2006, and Monday, July 10, 2006,  
and reported by Laura A. Head, Court Reporter and  
Commissioner for the State of Alabama at Large.

\* \* \* \* \*

1       came to me in the form of these memos and  
2       discussions with Mr. Davis were clearly  
3       retaliatory and created an environment that  
4       was unacceptable and that we could not  
5       tolerate in our facilities. So we went to  
6       the extra length to call the State Personnel  
7       Board to bring in outside trainers to do a  
8       training session for everybody on campus and  
9       available to remind them about the  
10      seriousness of those kinds of issues, and we  
11      had a staff person from State Personnel come  
12      out and conduct additional training  
13      specifically on these issues as they relate  
14      to appropriate behavior, appropriate  
15      mechanisms for handling issues like this and  
16      all of this while, you know, we were doing in  
17      addition to the investigation going on.

18   Q. I believe you also had an Assistant Attorney  
19      General from the Attorney General's office  
20      come out and participate in that, right?

21   A. They provided -- I think that's who the  
22      Personnel Board actually brought in as the  
23      presenter for the training session.



1       trying to retaliate -- or was trying to get  
2       another shift, and Mr. Staton was assigned to  
3       try to find out if she was, in fact,  
4       employed. And to my recollection, nobody  
5       could confirm an additional employment or  
6       anything associated with this as a defense.

7   Q. All right. Now, let me show you Employee's  
8       Exhibit Number 1 --

9   A. Okay.

10   Q. -- which is I believe the termination letter,  
11       correct?

12   A. Yes, sir. This is a letter signed by me  
13       sent to Michael Hardy dated January the 6th,  
14       which is basically the letter confirming that  
15       our decision was that his employment be  
16       terminated.

17   Q. All right. And there were two issues  
18       essentially in this case. There was the  
19       allegation of sexual harassment, and there  
20       was the conduct of Mr. Hardy after that  
21       allegation was made.

22   A. Right.

23   Q. What was your -- what was the basis of your

1 decision to sign that letter?

2 A. My decision was based on the recommendations  
3 from the staff who gathered the information  
4 in the course of an investigation and in the  
5 course of a hearing and recommended to me  
6 that he be terminated. I concurred with that  
7 decision and primarily for the two reasons  
8 that you just enumerated. One was that we  
9 had, in the view of our personnel director, a  
10 substantiated sexual abuse issue. But even  
11 more important was this emerging problem with  
12 what I believe was an attempt to intimidate  
13 this lady and in some way retaliate for this  
14 complaint being filed. That emerged as, even  
15 to me, an almost even more serious issue than  
16 the initial complaint. So based on those two  
17 issues, I concurred that the employment  
18 should be terminated, and this is the letter  
19 that does that.

20 Q. Okay. You mentioned this recommendation from  
21 the staff. Let's just be clear about what  
22 we're talking about. You've got a  
23 recommendation from Deborah Spann, right?

1 A. I have a confirmation from Deborah Spann that  
2 she believed based on her investigation that  
3 the complaint was substantiated.

4 Q. You've got a recommendation from Mr. Davis.

5 A. Correct.

6 Q. A recommendation from Ms. Calendar.

7 A. The hearing officer, yes, sir.

8 Q. And this is awkward but, frankly, from me,  
9 right?

10 A. Yes, sir.

11 Q. Okay. Anything else that you can recall?

12 A. No, sir. This was a very difficult situation  
13 to deal with and was compounded by the issues  
14 that came up after the complaint was filed.

15 MR. PERRY: Okay. That's all the  
16 questions I've got for you. Mr. Stokes will  
17 ask you questions now so if you will answer  
18 his questions.

19 CROSS EXAMINATION

20 BY MR. STOKES:

21 Q. Mr. Woods --

22 MR. PERRY: Wood.

23 Q. Mr. Wood, let me ask you: You stated that



second job. I now have reason to doubt Ms. McMillian. Specifically, I was recently informed by Ms. Spann that she does have a second job, but stated that it began within the past two months – well after she made her sexual harassment complaint against Mr. Hardy. The existence of a possible motive for fabrication which has come to light since Ms. Spann's investigation thus creates a question whether Ms. Spann's conclusion was correct.

However, that doubt is insufficient to cause me to contradict Ms. Spann or to recommend disciplinary action less than termination. Mr. Hardy clearly attempted to retaliate against Ms. McMillian for filing the complaint against him. Mr. Hardy is, or should be, familiar with the grievance procedure which requires grievances to follow the chain of command, yet he filed this "grievance" with the personnel director. Moreover, the substance of this "grievance" was neither within the scope of the grievance procedure nor within the scope of the anti-discrimination complaint procedure—which requires complaints to be directed to the personnel director. Mr. Hardy is well aware how personally disturbing it is to be investigated by DYS. Witnesses confirmed that Mr. Hardy had discussed this with them prior to Mr. Hardy's retaliatory "grievance" against Ms. McMillian. I find that Mr. Hardy initiated the "grievance" to retaliate against Ms. McMillian. This Agency can no more tolerate retaliation than sexual harassment itself.

Following the pre-dismissal conference, DYS Director, Walter Wood advised

Hardy of his termination effective January 6, 2006, in a letter dated the same.<sup>4</sup>

The letter explained that Hardy was being terminated for violation of the rules set forth above. Hardy timely appealed his termination to the Alabama State

Personnel Board on January 12, 2006. The matter was originally set in March,

0000008

---

<sup>4</sup> Employee Ex. 14.

~~CONFIDENTIAL~~**Violations of DYS Sexual Harassment Policy**

Based upon the evidence presented, the undersigned was convinced that Hardy had more than a work-related relationship with McMillian and violated the DYS sexual harassment policy. The testimony of Harris also convinced the undersigned that Hardy made comments to McMillian which were inappropriate for the workplace. However, the undersigned was NOT convinced that McMillian was the victim of sexual harassment. While Hardy's conduct as a supervisor was subject to disciplinary action, the undersigned does not believe that Hardy's advances were unwelcome. McMillian's testimony was exaggerated and lacked complete credibility and candor. Clearly, McMillian possessed a host of other personal motivations for her testimony. While McMillian and Hardy had some sort of relationship for some period of time, any relationship between the two involved McMillian's complicity. Nevertheless, that does not excuse Hardy for engaging in what he should have known could have been misconstrued as an inappropriate verbal exchange with a subordinate. Therefore, the undersigned does find that Hardy's verbal conduct supports termination.

Regardless of Hardy's relationship with McMillian, his most egregious offense however, is the manner in which he handled the investigation of

---

000032

McMillian's EEOC and sexual harassment complaint, as hereinafter discussed.

### **Violations of the Grievance Procedure and Disruptive Conduct**

Despite the fact that McMillian's credibility has questionable merit, equally or more serious than the sexual harassment charge is the disruptive conduct, potential retaliation, and Hardy's violation of the grievance procedure. Employees must be allowed the freedom to have civil rights actions investigated, even if questionable, without the fear of retaliation. If McMillian's allegations proved to be meritless, the inquiry ends there.

In the present action, Hardy admitted he provided training on the sexual harassment policy on numerous occasions. He also admitted to instructing his employees on the proper procedure to follow when filing claims. McMillian followed the procedures as she had been trained to do.

Flying in the face of this policy, Hardy also admitted to filing a "grievance" against her for following the very procedure he trained her to follow. As a supervisor, he knew better than to conduct himself in such a harassing fashion. He knew he was not following policy, nor was he following the chain of command as proscribed in DYS Grievance Procedure 3.13.1. Since McMillian had filed a claim with the Personnel Manager, Debra Spann, Hardy in turn filed his "grievance" with Debra Spann. This type of threatening behavior, in and of itself, merited

000033

dismissal and was uncharacteristic of a supervisor with his training, background and experience. Such conduct is clearly disruptive and in violation of the Rules of the State Personnel Board 670-X-19-.01(1g)- (disruptive conduct), the Rules of the State Personnel Board 670-X-19-.01(2e)- (use of abusive or threatening language) and/or violation of the Rules of the State Personnel Board 670-X-19-.01(2j)-(serious violation of any other Department Rule). Further, such conduct could also be potentially perceived as retaliatory. This one violation alone, was sufficient to warrant Hardy's dismissal.

Since the above-referenced rules are sufficient to warrant dismissal in this cause, the issue of whether the conduct actually reaches the level of retaliation is moot and shall not be addressed in this forum.

Accordingly, the undersigned finds the totality of the evidence warrants dismissal in this cause. Therefore, the undersigned recommends to the State Personnel Board that the dismissal be UPHELD

Done, this the 1<sup>st</sup> day of August, 2007.



JULIA JORDAN WELLER

Administrative Law Judge

State of Alabama Personnel Department

64 North Union Street

Montgomery, Alabama 36130

(334) 242-3451

(334) 353-4481



STATE OF ALABAMA

DEPARTMENT OF YOUTH SERVICES



BOB RILEY  
GOVERNOR

POST OFFICE BOX 66  
MT. MEIGS, ALABAMA 36057  
November 4, 2005

J. WALTER WOOD, JR.  
EXECUTIVE DIRECTOR

Mr. Michael Hardy  
2900 Marti Lane  
Montgomery, AL 36116

Dear Mr. Hardy:

I have received a recommendation that disciplinary action be taken regarding your employment as a Youth Services Counselor I. The recommendation reveals the following alleged inappropriate conduct and work performance as the reason for the recommendation:

Violation of the Rules of the State Personnel Board (670-X-19-.01 (1g) - disruptive conduct) and/or violation of the Rules of the State Personnel Board (670-X-19-.01 (2 e) - use of abusive or threatening language) and/or violation of the Rules of the State Personnel Board (670-X-19-.01 (2 j) - serious violation of any other department rule), and/or violation of DYS Policy (3.13.2 - Prohibition of Sexual Harassment): Specifically, you were alleged to have made sexual advances and/or to have created a hostile working environment for a subordinate employee, Tera McMillian, who filed a harassment complaint against you. In response to Ms. McMillian's harassment complaint you are alleged to have attempted, among other things, to cause an investigation against her for her having filed a complaint against you.

Based on the investigation of the complaint against you, the recommendation I have received, a review of your personnel file and a review of your past work history, it is my judgment that a hearing be held to determine whether disciplinary action is warranted.

A hearing will be conducted on Thursday, November 10, 2005, at 10:00 a.m., in the Conference Room at the Central Office on the Mt. Meigs Campus in Montgomery. The hearing will be conducted by either myself or my designee. At the hearing, you may present verbal and written information, produce witnesses and be represented by counsel if you choose. I will review the information presented and notify you of my decision regarding any possible disciplinary action. I consider your attendance to be mandatory, but if you do not attend, I will be forced to make my decision based on the information available to me.

Because this matter involves allegations of violation of the sexual harassment policy and anti-retaliation provisions of the law, I instruct you not to discuss this matter with the complaining party or any DYS Staff, nor to take any action which could in any way affect Ms. McMillian.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Walter Wood, Jr.".

J. Walter Wood, Jr.  
Executive Director

JWW/dls

c: Mr. Tim Davis  
Mr. Wayne Booker  
Ms. Janice Coles  
Mr. T. Dudley Perry, Jr.

mgl 11/15/05

000338

## BEFORE THE ALABAMA STATE PERSONNEL DEPARTMENT

PLAINTIFF'S  
EXHIBIT18

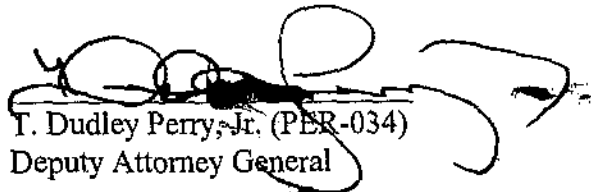
In the matter of )

MICHAEL HARDY )

Termination Appeal Hearing )  
)  
)  
)STATEMENT OF THE FACTS

The Employee was dismissed effective the close of business, January 6, 2006, as a result of his disruptive conduct; use of abusive or threatening language; serious violation of any other department rule and violation of Department Policy 3.13.2 - prohibition of sexual harassment. Specifically, he was alleged to have made sexual advances and/or to have created a hostile working environment for a subordinate employee, who filed a harassment complaint against him and the Department concluded that the allegation was founded. In response to the harassment complaint the Employee alleged to have attempted, among other things, to cause an investigation against the subordinate for her having filed a complaint against him.

Respectfully submitted,

TROY KING  
ATTORNEY GENERAL
  
T. Dudley Perry, Jr. (PER-034)  
Deputy Attorney General
ADDRESS OF COUNSEL:

Alabama Department Youth Services  
Post Office Box 66  
Mt. Meigs, Alabama 36057  
Telephone: (334) 215-3803  
Fax: (334) 215-3872

004966



BOB RILEY  
GOVERNOR

State of Alabama  
Department of Youth Services  
Mt. Meigs Complex  
Post Office Box 66  
Mt. Meigs, Alabama 36057



J. WALTER WOOD, JR.  
EXECUTIVE DIRECTOR

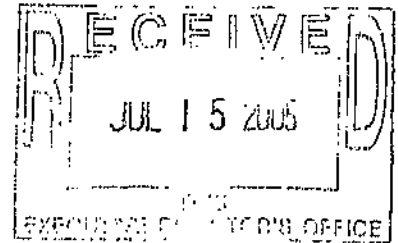
# MEMORANDUM

**TO:** Debra Spann  
Personnel Manager

**FROM:** Michael J. Hardy *mjh*  
Counselor I, Paige Hall

**DATE:** July 14, 2005

**RE:** Filing of a grievance



Please consider this memo pursuant to DYS policy 3.13.1 i.e. filing of a grievance. Ms. Tera McMillian, a former Paige Hall Staff, has continued to make unsubstantiated derogatory statement referencing the writer. Additionally, she has encouraged past and present employees (Some of which have been disciplined by the writer) to interfere with an ongoing investigation and file false claims.

Due to the fact that this investigation is ongoing, I am filing this claim with your office for assignment to proper authority.

MJH/dm

---

cc: J. Walter Wood  
Tim Davis  
G. Wayne Booker  
Janice Coles

004117

Date: June 21, 2005

To: Whom It May Concern

From: Paige Hall Staff

RE: Information Memo

We, the Staff of Paige Hall, submit this letter on behalf of our Unit Manager, Michael J. Hardy. We recently learned that he may be or is under investigation for some form of harassment. Mr. Hardy has always been professional, showing concern for staff and students, following and teaching policy and procedures with the highest degree of professionalism and integrity.

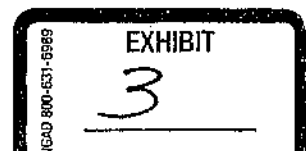
We, the staff, have always viewed him as an officer and gentlemen putting the needs of others above his own. A personal attack on his character is an attack on everyone's character who knows him.

---

~~We look forward to meeting with any concerned parties.~~

*Chris L. Haver*  
*Loyn Dotted*  
*Rashin Farley*  
*Paul W.*  
*M. McCall*  
*Jonathan Ellis*  
*James Moore*  
*B. C. Mui*

004559



Date: June 21, 2005

To: Whom It May Concern

From: Mr. Arthur Harvest, YSA *AlH*  
Mr. Jonathon Ellis, YSA

RE: Information Memo

Please consider this memo our given insight on an alleged investigation referencing our Unit Manager, Mr. Michael J. Hardy. Our memo is to inform all concerned parties that Ms. Tera McMillian, a co-worker, frequently told us that she was going to get out of Paige Hall and get Mr. Hardy for changing her schedule and interfering with her other job. She had been saying this for about a month.

Please contact us for additional information.

*Arthur Harvest*  
*Jonathan Ellis*

---

004560



**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

☐ FE☒ EE

NUMBER

01336

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Tera A. McMillan

HOME TELEPHONE (Include Area Code)

334-284-9559

STREET ADDRESS

CITY, STATE AND ZIP CODE

312 Adler Drive

Montgomery, AL 36116

DATE OF BIRTH

01/12/1973

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Alabama Department of Youth Services

Over 100

(334) 215-3812

STREET ADDRESS

CITY, STATE AND ZIP CODE

Po.Box 66

Mount Meigs, AL 36057

COUNTY

Montgomery

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐

RACE

☐

COLOR

☒

SEX

☐

RELIGION

☐

AGE

☒

RETALIATION

☐

NATIONAL

☐

DISABILITY

☐

OTHER (Specify)

ORIGIN

DATE DISCRIMINATION TOOK PLACE EARLIER

May 2003

☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

1. My name is Tara A. McMillan and this charge relates back to my earlier filed charge no.: 130 2005 05479 wherein I alleged sex discrimination and retaliation. I filed the prior charge on July 12, 2005.

2. Beginning in September of 2005, I have been subjected to retaliation in the form of abusive language, unfair scheduling, and have been written up unfairly for not attending a staff meeting on or about November 29, 2005. I was written up even after I expressed to the personal manager before the meeting that attending such had made me physically ill on a prior occasion and caused me to experience an emotional disturbance due to the fact those in attendance were either friends of the individual who I accused of sexually harassing me or people who have harassed and made disparaging comments about me.

3. Upon information and belief, I have been retaliated against for opposing sexual discrimination and sexual harassment.

RECEIVED  
EEOC

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

12/11/05

Tera A. McMillan

Date

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Day, month, and year)

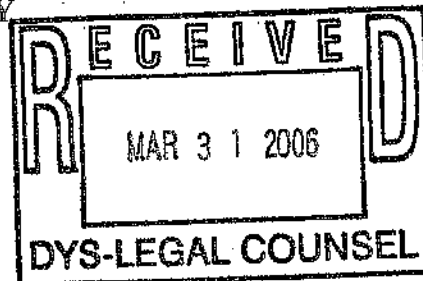
BOB RILEY  
GOVERNOR

## DEPARTMENT OF YOUTH SERVICES

EXECUTIVE DIRECTOR

Post Office Box 66  
Mt. Meigs, Alabama 36057INVESTIGATIVE SUMMARY  
(PERSONNEL)

March 31, 2006

**TO:** T. Dudley Perry, Jr.  
Deputy Attorney General**From:** Alan Staton  
Special Investigator**Case Number:** EEOC 130-2006-01336**Incident:** Alleged Discrimination Based on Sex and Retaliation**Victim:** Tera A. McMillian, Youth Service Aide, ITU, Mt. Meigs Complex**Subjects:** Department of Youth Services  
Sylvesta Lee, Unit Manager, ITU, Mt. Meigs Complex**Witnesses:** Veronica Harris, Youth Service Aide, Harris Hall, Mt. Meigs  
Elijah Hood, Youth Service Aide, ITU, Mt. Meigs Complex  
Jacob Hammond, Youth Service Aide, ITU, Mt. Meigs Complex  
Phyllis Rankins, Youth Service Specialist, Mt. Meigs Complex  
Gregory Webster, Youth Services Aide, ITU, Mt. Meigs Complex**Location of Incident:** ITU, Mt. Meigs Complex**Date of Incident:** September 2005 through December 11, 2005**Summary:** On February 24, 2006, J. Walter Wood, Jr., Executive Director, requested an official investigation be conducted into allegations of discrimination based on sex and retaliation reported by McMillian against Department of Youth Services. I conducted a review of the related reports and conducted taped interviews with the following personnel.**Person interviewed:** Tera A. McMillian**Date and Time of Interview:** February 16, 2006, 2:06 p.m.

McMillian confirmed her EEOC #130-2006-011336 (Tab 1). The following is a summary of McMillian's explanation of her complaint: (1) The other staff were treating her rude i.e., Vanessa Hall told her she could leave now or did she need Webster to escort

004118

CONFIDENTIAL



her out. Hood told her that the staff was talking about her, saying she was a freak and a whore. The other staff will not sit next to her during staff meetings. (2) Lee does not treat her or talk to her the same as other staff. Felicia Whitted came back to ITU and Lee changed her days off so Whitted could have them. Lee wrote her up for insubordination. Lee wrote her up for not going to ACA mandatory training but she had already gone. Lee gives other staff three days off in a row but does not allow her to have three days off in a row. McMillian requested that I get Lee's taped conversations with her and to talk with Hammond, Hood and Webster. For complete interview refer to transcription from taped interview (Tab 1).

**Person interviewed:** Elijah Hood

**Date and Time of Interview:** March 15, 2006, 8:15 a.m.

When asked if he had informed McMillian that everyone was talking about her, saying she was a freak and a whore he stated no, that he had told her staff was talking about her situation prior to her arriving. When asked if Lee or the other staff treats McMillian differently he stated he has never seen Lee or other staff treat her any differently. For complete interview refer to transcription from taped interview (Tab 2).

**Person interviewed:** Jacob Hammond

**Date and Time of Interview:** March 13, 2006, 5:39 a.m.

When asked if Lee or the other staff treats McMillian differently he stated he has never seen Lee or other staff treat her any different than anyone else. For complete interview refer to transcription from taped interview (Tab 3).

**Person interviewed:** Gregory Webster

**Date and Time of Interview:** March 13, 2006, 5:09 a.m.

When asked if Hall made the following comment to McMillian in his presence, that McMillian could leave now or did she need him (Webster) to escort her out, he stated Hall did say you can leave now; however, it was not in a bad way. Hall had briefed them on things they needed to know and she was finished and she was letting them know she was relieving them and they could go. When asked if he has observed McMillian being treated any differently by Lee or staff he stated that he has not seen McMillian treated any different by Lee or any of the other staff. For complete interview refer to transcription from taped interview (Tab 4).

**Person interviewed:** Veronica Harris

**Date and Time of Interview:** March 8, 2006, 1:15 p.m.

Harris did not witness any conversations between McMillian and Lee however, she did state that McMillian complained to her about Lee. McMillian had told her that Lee pulled her in to talk to her and treated her (McMillian) like a child. For complete interview refer to transcription from taped interview (Tab 5).

**Person interviewed:** Phyllis Rankins

**Date and Time of Interview:** March 10, 2006, 10:36 a.m.

004118

CONFIDENTIAL



Rankins stated that she had not been present during Lee's and McMillian's counseling sections. McMillian had contacted her on a couple of occasions to complaining about Lee. For complete interview refer to transcription from taped interview (Tab 6).

**Person interviewed:** Sylvesta Lee

**Date and Time of Interview:** March 9, 2006, 2:34 p.m.

When asked if when Felicia Whitted come back to ITU he changed McMillian's days off because Whitted wanted her days off he stated when he came to ITU there were too many staff off on Sundays and McMillian was the last to come to ITU so he changed her days off. He talked to McMillian about it and she didn't have a problem with him changing her days off. When asked if he had written-up McMillian for insubordination he stated he gave her a warning (Tab 9). When asked if he had given McMillian a letter instructing her to go to training and she had failed to go he stated that he posted a notice instructing all the staff that there was going to be a staff meeting/ACA Training and identified the personnel that had not received their required training. I requested that Lee provide me the tapes of his conversations with McMillian (he complied and I made a copy of the tapes). When asked if he had given other staff three days off in a row but had not allowed McMillian to have three days off in a row he stated he had given her three days off in a row just like the other staff; however, she works 3<sup>rd</sup> shift and there is only two staff working and it is harder to do. He went on to say that he would provide me with schedules showing McMillian had three days off in a row just like other staff. For complete interview refer to transcription from taped interview (Tab 7).

**Conclusion:** After reviewing documentation and interviewing the above individuals I was unable to confirm McMillian's allegations. McMillian claims Lee and other staff members treat her differently and requested that I talk with the above individuals; however, none of her witnesses supported her allegations. McMillian claims she doesn't get three days off in a row like other staff members but records show McMillian got three days off in a row, three weeks in a row (Tab 8). McMillian claimed that Hood told her everyone was talking about her, saying she was a freak and a whore; however, he denies telling her that. McMillian claims that Lee changed her days off so Whitted could have them; however, both were already off on Sundays and Lee changed McMillian because he needed more staff working on Sundays. McMillian claims she had already received ACA Mandatory "A" Training; however, records show she did not. She went to Mandatory "B" on 5/19/05 and CPR and F.A. on 11/23/05 but there are no dates for Mandatory "A". McMillian requested that I listen to her and Lee's taped conversations and it would show how he talks to her; however, the tapes do not show him yelling, being rude or mistreating her in any way. McMillian claims she was written-up for insubordination and for missing a staff meeting and training, but both were warnings.



Alan Staton, DYS, Special Investigator

Attachments: Tab 1 EECO Claim and McMillian's statement

0041 ~~10~~ 20

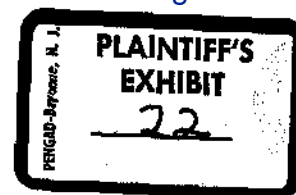
CONFIDENTIAL

**CONFIDENTIAL**

State of Alabama

BOB RILEY  
GOVERNOR

## Department of Youth Services

Mt. Meigs Complex  
Post Office Box 66  
Mt. Meigs, Alabama 36057J. WALTER WOOD, JR.  
EXECUTIVE DIRECTORMEMORANDUM

TO: Ms. Tera McMillian  
Y. S. Aide/TTU

FROM: Sylvesta Lee, Sr. *SL*  
Unit Manager/TTU

DATE: December 6, 2005

RE: LETTER OF WARNING

You failed to attend staff meeting and mandatory training for staff development. In doing so you are in violation of the Department of Youth Services Policy 1.16 about "monthly staff meetings" and Policy 4.4 which states (regarding training) in part, "...At least 40 hours of training annually are required after the first year of employment..." This policy applies to all staff assigned full-time child care/or supervision duties. Copies of policies are attached. Your noncompliance with these policies cannot and will not be tolerated.

This warning is the first step in the State of Alabama Progressive Discipline Manual for State Employees. A copy of this warning will be placed in your personnel file and will be attached to your final Employee Performance Appraisal for 2006.

SL:bch

Attachments

cc: Janice Lewis  
Phyllis L. Rankins  
Personnel file (2)

DEC-7

000184